Violence Against Women in Relationships

VICTIM SERVICE WORKER HANDBOOK

INFORMATION + RESOURCES FOR VICTIM SERVICE WORKERS

BRITISH COLUMBIA
Ministry of Public Safety and Solicitor General

Victim Services and Crime Prevention Division
Ministry of Public Safety and Solicitor General

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whom this handbook is for

This handbook is for people who work with women who are victims/survivors of violence in their intimate relationships. You may be:

- A victim service worker
- A worker in an agency that serves a specific cultural community
- A worker at any other agency that has contact with assaulted women

why this handbook was developed

A woman who has been assaulted needs help and support as she makes her way through a very difficult process. This process may be even more challenging for a woman who is an immigrant or Aboriginal, a woman with disabilities, or a member of any diversity group. A woman's socioeconomic class, ability, or sexual orientation, for example, may have a profound effect on her experience of violence and her needs.

When offering support to women who are victims of violence in their relationships, it is important that you understand and respect the diversity of cultures and communities the women come from. Any interaction between you and a client will be enhanced if you are aware of how her views have been shaped by her social and cultural experiences and how your views have been shaped by your social and cultural experiences.

Your aim will be to help women make use of the justice system and community resources as they choose. Experience and research indicate that women need information, respectful treatment, support throughout the justice system process, and a coordinated approach that addresses all of their needs. This handbook will help you provide the kind of assistance they need.

how this handbook is organized

This handbook is divided into two sections:

- Part 1 (Sections 1 to 3) deals with the context of victim service workers' work with women who are victims of violence in their relationships
- Part 2 (Sections 4 to 8) deals with the work itself

There are eight sections:

- *Section 1* explores the nature, dynamics, social context, extent, and impact of violence against women in relationships
- *Section 2* discusses the needs of diverse communities in seeking support
- *Section 3* describes the full range of responses to violence against women in relationships, including legislation, policy, services, and community coordination
- *Section 4* provides an introduction to and overview of the work of victim services, including the role of the victim service worker and principles for effective woman-centred service
- *Section 5* focuses on a woman's immediate safety needs, including the role of victim services and the police
- *Section 6* addresses strategies to help meet a woman's needs for ongoing safety and security, including risk assessment and safety planning, protection orders, and other protective strategies
- *Section 7* focuses on assisting the woman through the justice system from initial report to police through to post-sentencing issues, compensation, and family justice issues
- *Section 8* lists resources for information, practical assistance, and support

There are three other handbooks that have been developed to assist and support those who work with victims of crime:

- *Victims of Crime*
- *Sexual Assault*
- *Violence Against Children + Youth*

guide to using this handbook

The following icons are used throughout each section of the handbook to help you navigate the material:

key terms This icon appears when a key term or phrase is used in the handbook.

resources This icon appears when a book, journal article, policy or other publication is referenced in the handbook.

scales This icon appears when a statute, act, or a case is noted in the handbook.

mouse This icon appears when a website is noted on the page.

phone This icon indicates a key phone number, like the toll-free, 24-hour VictimLINK.

house This icon appears when helpful organizations, programs, ministries are noted.

push pin This icon appears when there is a cross-reference to another section of the handbook.

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PART 1

Part 1 (Sections 1 to 3) of this handbook deals with the context of victim service workers' work with women who are victims of violence in their relationships.

section 1

violence against women in relationships: nature, dynamics + social context

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what is violence against women in relationships?

Violence in relationships is defined in the BC *Violence Against Women in Relationships Policy* as "physical or sexual assault or the threat of physical or sexual assault of women by men with whom they have, or have had, ongoing or intimate relationships, whether or not they are legally married or living together at the time of the assault or threat." This definition of violence also applies to same-sex relationships and to male victims within heterosexual relationships where the dynamic of power and control is present.

Women in violent relationships are subjected to a wide range of controlling, coercive, and abusive behaviours. Many of these behaviours constitute assaults under the *Criminal Code*, while other behaviours, though harmful, are not crimes. Violence against women can be viewed as a continuum, ranging from psychological abuse such as put-downs to physical violence, including murder.

Physical assault includes hitting, slapping, shoving, beating with fists, choking, burning with a cigarette, kicking, shaking, throwing objects or hot liquids, or using weapons. Physical assault also includes threats to use physical violence. Physical assault can result in serious injury, including murder; assault is a crime, however, whether or not it results in physical injuries.

Sexual assault includes any non-consensual sexual activity, including sexual touching or oral, anal, or vaginal intercourse using a penis or any penetrating object; forcing her to watch pornography; deliberately infecting someone with an STD or HIV; or refusing to take no for an answer. Sexual assault can result in serious physical injury; sexual assault is a crime, however, whether or not it results in physical injuries.

Psychological abuse includes controlling or threatening behaviour; constant yelling, criticism, insults, put-downs or "jokes" at her expense; excessive jealousy or mistrust used as an excuse to control a woman's actions; withholding of affection; isolating her from family, friends, or neighbours; forbidding her to learn independence skills such as driving or the English language; forcing her to commit degrading acts; depriving her of food or sleep; terrorizing her by driving recklessly or playing with a gun or knife; or threatening to take the children away, to have her deported, to bring shame to the family, to commit suicide, or to harm the children

Some forms of psychological abuse, such as stalking (criminal harassment) or

threatening, are criminal offences. However, while other forms of psychological abuse may not constitute criminal acts, such acts are virtually always part of the continuum of abuse that often includes criminal offences. Women report that psychological abuse is among the most damaging forms of abuse within an intimate relationship because it keeps them in constant fear and erodes their self-esteem.

Destruction of pets or property includes harming, killing, or threatening to harm or kill a family pet; refusing to care for a family pet if she leaves; harming, neglecting, or threatening to harm or neglect family livestock; destroying items of special meaning; damaging the house or household objects; or defacing property. Destruction of pets or property is part of the continuum of psychological abuse. Wilful destruction of another person's property and deliberately harming animals are criminal offences. The target of such abuse is usually carefully chosen and the message is clear: "Next time it may be you."

Financial abuse includes taking control of her money, spending her money without her permission, denying her access to money, forbidding her to have a bank account, excessive spending that leaves insufficient money available to support her or the children, or refusing to pay child support. Some forms of financial abuse constitute theft or fraud and are therefore criminal in nature.

Spiritual and cultural abuse includes ridiculing or attacking her spiritual or cultural beliefs; denying her rights to her spiritual or cultural beliefs, to attend religious services, or to engage in spiritual or cultural practices; demanding that she follow his faith or his spiritual or cultural practices; raising children in a different faith against her will; or using spiritual or cultural beliefs to justify controlling her.

why wo we use the term "violence against women in relationships"?

This term was chosen after much debate and concern expressed about the use of gender-neutral terms that fail to identify that the overwhelming majority of victims of violence in relationships are female. The term violence against women in relationships acknowledges the gender-based nature of the violence and the fact that the abuse may happen within a marriage or other intimate relationship.

The number of women seriously assaulted by men is significantly greater

than the number of men seriously assaulted by their female partners. It is this widespread social problem that the *Violence Against Women in Relationships Policy* is intended to address.

section

While this handbook generally refers to victims as female and offenders as male because of the extent of male violence against women, the information also applies when working with males who are abused by their male or female partners.

The term spouse assault is used in the British Columbia Crown Counsel Policy Manual and in most police policies. Various terms are used across Canada, such as woman abuse, wife assault, family violence, conjugal violence, domestic violence, and relationship violence.

Please note that throughout this manual, the abbreviation VAWIR may be used in place of violence against women in relationships.

a historical perspective

The social attitude that a woman is a man's property and that it is a man's right to control his wife's behaviour has been embedded in male-dominated societies for centuries. For example, an old Chinese saying reflects the fact that physical violence against women was condoned: "A wife married is like a pony bought; I'll ride her and whip her as I like." In England, an 18th-century law said that a husband could beat his wife with a rod "no thicker than his thumb." This became known as the "rule of thumb." In Vietnam, there is a traditional saying, "Discipline your child when young. Discipline your wife when you first marry her."

In Canada, it is only within the last hundred years that wife assault has been considered illegal. Earlier, the law simply regulated the extent to which men could physically "discipline" their wives. Between 1909 and 1960, Canada's *Criminal Code* contained a section identifying wife battering as a special offence. This section meant that a woman who was beaten by her husband had to demonstrate a greater degree of bodily harm than was required in other cases of assault.

The recognition of violence against women in relationships as a serious social problem in Canada was an achievement of the women's movement, starting in the late 1960s and early 1970s. Women's movement activists began shelters for women and children escaping violence and located the roots of the violence in the gender inequality in social relationships. Over the past 30 years, violence against women in relationships has been clearly recognized as a criminal matter, not a private, domestic affair. Societal attitudes have changed, laws have

been reformed, government services have been introduced, and the need for culturally appropriate services has been recognized

In 1984, BC's Ministry of Attorney General implemented a new justice system policy on violence against women in relationships, then called the *Wife Assault Policy*. This policy has been updated and revised several times since that time.

evolution of BC and Canadian responses to violence against women in relationships[1]

1929 Canadian women are finally included within the legal definition of persons.

1964 The *Criminal Code* is amended so that a woman who is beaten by her husband no longer has to prove a greater degree of bodily harm than a person assaulted by a stranger.

1968 Victim impact statements begin to be used on a limited basis in cases of violence against women in relationships in Canada.

1970 The Canadian Commission on the Status of Women issues its report on the economic, social, legal, and political status of women in Canada.

1972 The first transition house and the first sexual assault centres open in BC.

1972 The BC government passes the *Criminal Injury Compensation Act*, allowing victims of crime who have suffered a personal injury to apply to the Workers' Compensation Board for compensation.

1974 Victim/offender reconciliation programs and compensation programs for victims are established across Canada and funded through federal/provincial cost-sharing agreements.

1974 The first police-based victim services programs begin operating in BC.

1981 *Wife Battering: A Report on Violence in the Family* is submitted to Parliament by the Standing Committee on Health, Welfare and Social Affairs. The statistic that 1 in 10 Canadian women experience some form of battering by a husband or boyfriend shocks the country.

footnote 1

1 Adapted and updated from material prepared by Linda Light for Victim Services Division in April 2000.

1982 The Solicitor General of Canada issues a directive instructing the RCMP to recommend or lay charges in cases of spouse assault where reasonable and probable grounds exist.

1983 The BC Ministry of Attorney General approves the first *Wife Assault Policy*, which directs police to initiate a charge where there is evidence that a spouse or partner has been assaulted and to strongly encourage Crown counsel to lay charges.

1986 The Solicitor General of Canada provides funding to select police agencies across Canada for police-based victim assistance programs. Vancouver and New Westminster receive funding.

1987 The BC Victim Assistance Program is formed and funded, and existing programs are consolidated into this program.

1990 Wife assault coordination committees are funded in seven BC communities.

1992 The BC Task Force on Family Violence releases its report, *Is Anyone Listening?* The report leads to funding for Sexual Assault/Woman Assault programs, Stopping the Violence Counselling Programs, and Children Who Witness Abuse programs.

1993 New federal legislation allows a victim surcharge and victim impact statements to be presented at the time of sentencing.

1993 The BC *Wife Assault Policy* is revised and updated as the *Violence Against Women in Relationships Policy*.

1993 The *Criminal Code* is amended to include a new offence of criminal harassment to address stalking.

1994 The *Victims of Crime Act* is proclaimed in BC and the *Criminal Injury Compensation Act* is updated to include criminal harassment, uttering threats, criminal injuries at work, and support for immediate families of deceased victims.

1995 The "K" files flagging system is introduced to facilitate tracking of VAWIR cases by police and Crown.

1994-95
The Protection Order Registry is introduced.

1998-99
Enhancements to the BC Protection Order Registry facilitating victim notification are approved.

1999
Bill C-79 introduces *Criminal Code* amendments to strengthen the voice of victims.

2000
The *VAWIR Policy* is revised to address *Criminal Code* amendments allowing police to set conditions upon release of the accused in certain circumstances.

2000
The High Risk Offender Community Notification Advisory Program is established to assist justice agencies to determine whether an offender's presence in the community merits restrictions on his behaviour or public notification.

2003
Amendments are made to the BC Crown charging policy in violence against women cases.

2003
Final Report of the Ad Hoc Federal/Provincial/Territorial Working Group Reviewing Spousal Abuse Policies and Legislation is released.

2004
A revised edition of *Criminal Harassment: A Handbook for Police and Crown Prosecutors* is published by the Department of Justice Canada.

2005
Police Release on a Promise to Appear with an Undertaking in Violence Against Women in Relationships Cases guidelines are released and BC chiefs of police are directed to amend operational policies to be consistent with these guidelines.

societal beliefs and values

The social context of violence against women in relationships provides the key to understanding the nature of the abuse. The power imbalance between men and women in society continues to be a central factor in violence against women in relationships. In addition, there is a growing understanding of how the effects of age, ability, racism, homophobia, and poverty increase women's vulnerability to abuse.

Some of these social values and expectations contradict each other and can put an assaulted woman in a "lose-lose" situation. For example, if she stays, she is accused of "accepting" or "being party to" the abuse. If she leaves, she has "failed" in her female role to keep the family together.

the traditional female role

The power imbalance based on gender is perpetuated by societal and individual messages that undermine women's ability to gain control of their lives and decrease the likelihood that men will be held accountable for their actions within a relationship. Assault against a woman within a relationship is a crime like other forms of assault. Our society as a whole has made a strong statement that violence against intimate partners will not be tolerated. Yet women are still abused by men.

No matter what our backgrounds, we have all been brought up with certain values and beliefs about relationships between women and men, about marriage and the family, and about the expression of affection and anger. When we look at traditional values and beliefs about female roles in male-dominated countries and cultures, what is striking is how much they have in common.

Across male-dominated cultures, women are expected to be virtuous, gentle, modest, patient, long-suffering, and obedient. Women are expected to sacrifice themselves for their family. They are responsible for maintaining the family as a unit; their primary obligations are to other family members. They have been trained to think of themselves as selfish if they put their own needs ahead of the needs of others.

the privacy of the home

One of the most firmly held ideas about family life, whether the family is a nuclear family or an extended family, is that what goes on in the family is private. Statements such as "It's none of your business" and "Don't air your dirty linen in public" and "This is my home; I can do what I want here" reflect this belief.

For this reason, assaulted women may be extremely reluctant to seek or accept help from someone outside the immediate family. This may be particularly true of women from cultures where the extended family is of central importance. A woman may bring disgrace to the good name of the family and to herself by involving agencies in family matters.

Within the many diverse cultures in our society, where the family and the home are seen as sacred and private, a woman may stay in an abusive relationship even under extreme duress in order to protect the home and the family from exposure and shame.

children's needs

A woman may stay in a violent relationship because she believes that the children need their father ("At least he doesn't hit the kids").

Evidence indicates that children are not safe in any home where there is ongoing abuse. Research shows that children who live in a family where the man abuses the woman have an 80% chance of witnessing the abuse. The behavioural effect of witnessing abuse is estimated to be the same as if the child were physically battered (Jaffe et al., 1990).

Children who witness violence against women in relationships have a greater likelihood of repeating abusive patterns or being victimized as adults, and of being involved in criminal activities later in life (Jaffe et al., 1990).

victim blaming

Societal beliefs that reinforce traditional roles suggest that the abused woman is at fault: "You must have done something for him to hit you."

A lack of appreciation of the power those traditional beliefs have in shaping women's views of their own role in the family also results in victim blaming: "If you really don't like what he does, why don't you just leave?"

Remarks such as these are an attack on the assaulted woman's self-image, convince her that she must really be responsible for the violence, and undermine her ability to take control of her life. Victim blaming also allows the abuser to say that the woman "caused" the abuse and "made him" lose control. This further undermines the woman's self-confidence.

widespread diversity within each community

This handbook attempts to describe the most significant social and cultural factors in a range of diversity groups that may be relevant to an assaulted woman's experience. In looking at these factors, however, it is important not

to form a new set of stereotypes. While there are shared values, beliefs, and experiences within each of the cultural or other diversity groups, there is also widespread diversity within each community or group. Social class, religion, education, urban or rural origin, and work experience are just a few examples of diversity.

There are also individual differences. One woman's experience within an extended family or close-knit community, for example, may be one of support and protection. Another woman's experience may be one of isolation or denial.

Often workers will find that the pressures on an assaulted woman are similar across cultures, communities, or groups but vary in intensity depending on circumstances. Family pressure to stay in a relationship, for example, can exist within immigrant families who come from England, but may be experienced in a more intense way by a recent immigrant from a rural village in the Punjab or mainland China.

While some older women may be encouraged by concerned children to leave an abusive husband, older women who have lived with the abuse for many years may also experience strong family pressure to stay in a relationship, particularly if their abusive husband is ailing in some way.

some statistics

In Canada, a number of major victim surveys have gathered statistical information about violence against women in relationships. These victimization surveys are undertaken on a cyclical basis by Statistics Canada. A victimization survey was conducted as part of Statistics Canada's *General Social Survey* (GSS) in 1988, 1993, and 1999. The *1999 GSS* included a special module on spousal violence. Victim surveys are more comprehensive than police statistics because the majority of VAWIR cases are not reported to the police.

incidence

Statistics Canada's *1999 General Social Survey* reported:

- From the *1993 Violence Against Women Survey* to the *1999 General Social Survey*, the five-year rate for wife assault in Canada declined from 12% to 8%. In the *1999 GSS*, the five-year rate of violence against men was 7%. Women reported being the victim of more severe and frequent acts of violence than men, and reported more negative emotional and physical consequences. Women were nearly five times more likely than men to fear for their lives and three times more likely to have been physically injured by the violence (*The Daily*, Statistics Canada, July 25, 2000).
- Twenty-nine percent of women currently or previously married had

experienced at least one incident of physical or sexual violence at the hands of a marital partner, according to the *1993 Violence Against Women Survey* (*Family Violence in Canada: A Statistical Profile 1999, Statistics Canada*)

Some of the factors that can increase vulnerability to abuse include:

Being young. 12% of young women aged 18 to 24 reported at least one incident of violence by a partner in the one-year period prior to the 1993 Violence Against Women Survey – four times the national average (*Family Violence in Canada: A Statistical Profile 1999, Statistics Canada*).

Being Aboriginal. Aboriginal women report spousal violence rates twice as high as those for Aboriginal men and three times higher than those for non-Aboriginal women and men. Spousal homicide rates for Aboriginal women were more than eight times the rate for non-Aboriginal women (*Assessing Violence Against Women: A Statistical Profile*, Federal-Provincial-Territorial Ministers Responsible for the Status of Women, 2002).

Being pregnant. 21% of women abused by a marital partner were assaulted during pregnancy; 40% of these women stated that the abuse began during their pregnancy (*The Daily*, Statistics Canada, November 18, 1993).

Being separated. From 1991 to 1999, 39 women per million couples were killed by their estranged husbands, compared with 5 women per million couples killed by current husbands *(Family Violence in Canada: A Statistical Profile 2001, Statistics Canada).*

children who witness abuse

- Statistics Canada's 1999 General Social Survey on Spousal Violence found that children heard or witnessed a parent being assaulted in approximately 37% (461,000) of spousal violence cases in the five-year period measured by the survey. Children were more likely to be exposed to violence against their mothers than against their fathers, and were most likely to witness or hear serious assaults on their mothers (*Family Violence in Canada: A Statistical Profile 2001*, Statistics Canada).

involving the justice system

The majority of VAWIR cases continue to be unreported to police. Many of those reported to police do not result in charge or conviction.

- In Canada, the percentage of women victims of spousal violence reporting to the police over the preceding five years increased from 29% in 1993 to 37% in 1999. In BC, that increase was from 36% to 43% (*Family Violence in Canada: A Statistical Profile 2001*, Statistics Canada).
- The police were more likely to become aware of violent incidents when

women experienced abuse after separation. Incidents of spousal violence were reported to police in 26% of cases where women were assaulted by a current partner and in 43% of cases where women were assaulted by a previous partner (*Family Violence in Canada: A Statistical Profile 2001*, Statistics Canada).

- In 2000, there were 10,120 incidents of spousal assault reported in British Columbia, a 3% increase from the 9,870 reported in 1999 (*Police and Crime, Summary Statistics*, 1991-2000, Police Services Division)
- In BC in 1999, 88% of spousal violence cases reported to police involved a male offender (*Assessing Violence Against Women: A Statistical Profile*, Federal-Provincial-Territorial Ministers Responsible for the Status of Women, 2002)
- In BC in 1993, 31% of spousal assault cases resulted in stays of proceedings. In 2003, 26% were stayed or charges were withdrawn (*Operational Statistical Reporting [OSR] Master Detail File 2003*, Police Services Division).

dynamics of violence against women in relationships

power + control

Violence is used by an abuser to establish authority or control over his partner. Violence against a woman in an intimate relationship is not an act of temper and does not stem from "loss of control."

Typically, an abusive partner attempts to dominate and control by using a variety of techniques to threaten or harm a woman's physical and emotional well-being, sexuality, social life, parenting ability, financial situation, possessions, or spiritual life. Typically, the abuser has a sense of ownership over his partner that he uses to justify his behaviour. An abuser succeeds in controlling his partner for a variety of reasons, including her fear, isolation, and emotional, financial, and/or physical dependence on him. It may also be difficult for the victim to leave because of cultural or religious factors or because she feels the children would suffer.

The abusive tactics may be very difficult to detect at first, but they soon creep into a woman's relationships until one day she realizes how they are affecting her. Over time, the abusive tactics get more extreme until they affect all areas of her life.

power-based crimes

Violence against women in relationships is a power-based crime. Typically, power-based crimes occur in relationships where there is some form of dependence, such as partners in an intimate relationship, family members,

or an elderly person or person with a disability and a caregiver. Power-based crimes usually occur when the perpetrator has a need to impose power or to abuse the power that he or she already holds over the victim and the victim feels powerless to stop the abuse from occurring. Usually perpetrators have a sense of entitlement or ownership over their victims that enables them to justify their controlling and abusive behaviour.

Issues related to gender, age, race, culture, poverty, ability, and/or sexual orientation combine with the abuse of power to produce power-based crimes. In many power-based crimes, perpetrators know they can get away with their behaviour because the victim is isolated from social supports or is dependent upon them for economic, social, or physical support.

The perpetrator may use a variety of tactics to impose or abuse power, with the threat to take ever more serious and harmful action, resulting in the silencing of the victim. Victims of all crimes feel that as a result of the experience, their ability to act or make a free choice has been denied. Victims of power-based crimes often feel that their ability to act and make choices in every aspect of their lives has been undermined.

the continuum of violence

The continuum of violence can range from emotional abuse and bullying to harassing phone calls to the occasional slap to aggravated assault and murder. The abuse may occur as an occasional outburst or on a frequent basis, triggered by specific events or with no specific precipitating factors. The violence may involve multiple forms of abuse, increasing in intensity as time goes on.

The abuse may involve a variety of tactics that on their own do not appear abusive. However, in combination and with increasing intensity over time, these behaviours become clearly part of a pattern of abuse that controls, intimidates, and silences the woman.

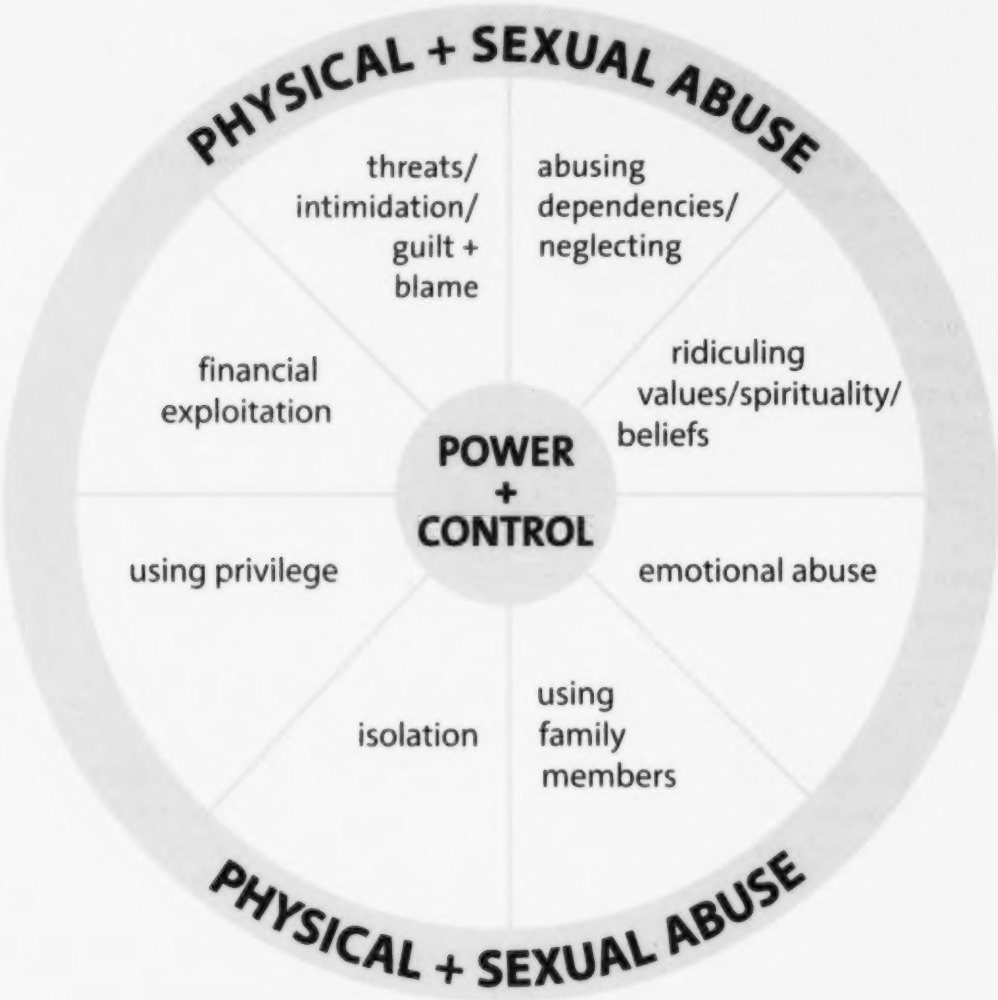
Women who are emotionally abused are at high risk for experiencing physical violence.

the power + control wheel

The Power and Control Wheel is an image that was first developed by victim service workers and abused women at the Domestic Violence Intervention Project in Duluth, Minnesota, to illustrate the range of tactics that may be used by an abusive partner. The wheel has since been used and modified by other anti-violence projects across North America. Physical and sexual violence are often combined. The threat to a woman's physical safety intensifies her experience of all other abuse. An abuser may use any combination of a number

of different techniques to assert his power and control over his partner.

Each spoke of the wheel represents a particular tactic of emotional or psychological abuse. The rim of the wheel, which gives it strength and holds it together, are the forms of physical abuse. At the centre of the wheel is what the abuse is meant to achieve: power and control.



risk factors

While each situation is unique, there are some factors that are commonly associated with high or escalating risk for women who are victims of violence. Spousal homicide is often preceded by a history of violence in the family. Serious violence or homicide will likely be associated with some of the following risk factors: weapons in the home; use of weapons in previous violent incidents;

sexual abuse in the battering relationship; violence committed during pregnancy; threats or fantasies of homicide or suicide; isolation of both the abuser and the woman from support systems; an offender's increasing rage; an offender's depression or suicidal ideation; and the woman's attempt to leave the relationship (Johnson, 1996).

Every woman is an expert in her own circumstances. She may recognize familiar patterns or signs and often will be the best judge of escalating risks.

the violence is ongoing

One of the unique characteristics of violence against women in relationships is that it is ongoing. Unlike a victim of a crime committed by a stranger, a woman who experiences violence in her relationship lives under constant threat of violence. This is true whether or not the victim continues to live with her abuser.

Research indicates, in fact, that violence often escalates after separation. Separation and divorce are considered to be periods of high risk for victims of violence in their relationships. Custody and access processes are also periods of high risk for women who are victims. Men who have been abusive in the relationship will often use the legal processes involved in custody and access matters to continue to harass and threaten the woman.

how do assaulted women survive?

Women who are in violent relationships engage in many activities to keep themselves and their children safe. It is often when they need help with that process of "managing" the violence in their lives that they initiate contact with the criminal justice system. In most cases, the abuse will have occurred many times before the first outsider knows about it.

When women do take steps to get help, their request for help may be indirect, such as requesting information for "a friend" who is experiencing violence. Or abused women may talk about horrific incidents as if they have happened to someone else. The woman's practice of distancing herself emotionally from her situation is required by her isolation, her need to put on a front to friends and family, and the necessity of holding in her feelings so that she can keep the family going.

It is important that we recognize these women as survivors who keep themselves and their children going on a daily basis despite all the odds. For many, the strength they have used to survive will become the strength they will use to change their situations.

stages in the assaulted woman's experience

Stage 1: Denial. Denial is often an abused woman's most common response to initial violent or abusive incidents. Denial is a common human response to any traumatic experience.

If she grew up with violence, a woman may downplay the incident or may believe that violence is normal. If she did not grow up with violence, her image of "a battered woman" may be someone who is poor or uneducated, and she does not perceive herself that way. She may feel that being hit is "a woman's lot" and that it is her "duty" not to complain.

Stage 2: Blaming herself. Self-blame often results from the guilt and turmoil that she feels as she begins to recognize that she is a victim of violence. Various factors contribute to her self-blame:

- Low self-esteem. Even if she started out with a high level of self-confidence, being abused makes her doubt her self-worth. She begins to believe that she deserves the abuse.
- The fact that others blame her. Her husband is likely to blame her, his family probably blames her, and her family may as well. Widespread public opinion that "she must have asked for it" and the belief that women are responsible for what happens in the family reinforce her feelings that she is to blame.
- Her need to feel some power. As the abuse makes her feel more and more powerless, she can get some sense of controlling the situation if she believes she causes it. The logic goes, "I must be provoking him to hit me. If it's me that makes him do it, I could stop provoking him and then he would stop hitting me. I'll try harder."

Stage 3: Seeking help. Reaching out for help may result in negative experiences for an abused woman. Friends and family may not believe her or may feel that since she has made her choices she has to live with them. She may be blamed for bringing disgrace to the family or for hurting the children by "breaking up the family."

She may find that police, lawyers, and the legal system are guided by rules set up to protect the rights of the assaulter rather than the victim. Or she may find that doctors, counsellors, and other helpers do not have an in-depth understanding of her situation or are reluctant to intervene in a "family matter."

Stage 4: Ambivalence. During this stage, the woman is trying to decide whether to leave or stay. Going back and forth may be part of this decision-making process. Most women leave and return to the relationship more than once.

Her ambivalence may also take the form of choosing to report the assault to police but then feeling reluctant to proceed with charges because of her fear of what lies beyond or feeling unready to take the step of leaving him or of testifying against him in court.

This stage can be frustrating for those who are working with the woman.

Stage 5: Living without violence. Once a woman has finally decided to leave the situation, she likely faces a period of confusion, fear, low self-esteem, loneliness, and economic struggle. She may experience flashbacks to the violence.

Some say it takes five years to recover from a violent relationship. Some say it takes forever.

why is it so hard to leave?

Women find it difficult to leave violent relationships for a variety of reasons. Many leave and return several times before their final separation. Many try to leave and give up because they feel so unsupported. Reasons for staying in or returning to a violent relationship include:

- **Emotional attachment to the abuser.** The woman may still love the abuser and hope that things will get better. She may also be emotionally dependent on him. Her self-esteem may have been so damaged that she may feel that without him she will fall apart.
- **Beliefs about family.** She may have strong beliefs about the importance of keeping her relationship and her family together. This is especially true in cultural communities where the extended family is the central unit of organization and to act alone, without considering the extended family, is considered an act of selfishness.
- **Impact on the children.** She may feel that the children "need their father" and will suffer emotionally or financially if she leaves.
- **Intimidation.** The abuser may have threatened to hurt or kill the woman, her children, or members of her family or to commit suicide if she tells anyone about the abuse or tries to leave.
- **Feelings of powerlessness.** The woman may feel powerless and lacking in control over her life as a result of the abuse.
- **Economic dependence or poverty.** A woman who is economically dependent on her husband or who faces poverty if she leaves may believe she has no choice but to stay. For example, an Aboriginal woman who lives on reserve may lack housing if she leaves. Or, a woman who has been out of the workforce for some time may fear that she won't be able to get a job that will support herself and her children.

- **Loss of sponsorship.** An immigrant woman who was sponsored by her husband may fear she will be deported if she leaves.
- **Isolation.** The woman may live in a geographically isolated area with few services and poor transportation, or she may have been deliberately isolated from her family, friends, and social support system by her husband in his efforts to control her.
- **Lack of a supportive response.** The woman may be surrounded by people who deny that the abuse is happening or who minimize it. She may have tried unsuccessfully to get help and been rebuffed. This may have led her to believe that the abuse is not really that serious or that she is to blame.
- **Lack of access to appropriate services and supports.** A woman may not have anywhere to go with her children. There may not be a shelter in her community or the shelter may not have adequate space or may not be able to accommodate pets that she is unwilling to leave at home. There may not be adequate services in the community to assist her. Her abuser may notice long-distance calls on the telephone bill or check or restrict her Internet use.

Workers may feel frustrated with a woman's lack of readiness to leave an abusive relationship. Understanding "interdependence" is the key to understanding the dilemmas that face an assaulted woman whose identity is bound up in her role as wife and mother, or as a member of an extended family. An increased understanding of what is at stake for an assaulted woman in this position will help support workers appreciate what she is facing. If she leaves her husband, she is abandoning not just the abuse but her sense of identity and everything that she has learned from childhood about what it means to be a "good woman," a "good mother," and a good member of her community.

exploding the myths

"Mental illness is the cause of violence against women in relationships."

The incidence of violence against women in relationships is too high to be explained by mental illness. These same men do not attack their bosses or friends. They are selective in their targets and make choices about whom to assault. Violence against women in relationships is not caused by sickness; it is a deliberate criminal act.

"Alcohol causes the man to beat his partner."

Although many batterers use alcohol, the alcohol is not the cause of the violence. Research indicates that many assaulters drink in order to act out their violent wishes. The alcohol makes it easier to abdicate responsibility for their behaviour.

"Men beat women because the men are under stress."

This misconception is based on the argument that violence is a response to stress caused by role expectations, lack of financial resources, and so on. This does not explain why the chosen target of the violence is most often women. In fact, men who beat their wives rarely threaten anyone outside the family. Also, women under stress do not attack men and many men under stress do not beat women. A man who relieves stress by beating his partner believes it is his right to use violence and to dominate women, and he lives in a culture that reinforces this belief.

"A man's lack of money or status causes him to beat his partner."

This explanation suggests that a man uses violence to assert dominance when he does not have other trappings of power, such as money or status. Yet many "successful" men, high on the socioeconomic ladder, beat their wives. Wife battering crosses class and economic lines.

"Women provoke violence."

Studies show that there is usually no argument before a beating. The actions of the woman have little to do with the actions of the man. In most cases, the woman will try very hard not to do or say anything that might "upset" the abusive man. This misconception accepts the idea that the man is justified in using violence to get his own way, "teach her a lesson," or solve a problem. It transfers the blame from the abuser to the victim.

"Violence breeds violence."

Violence learned as a child is never an excuse or justification for wife abuse. Research indicates that children are as affected by witnessing their fathers beat their mothers as they are by being physically abused themselves. Boys and men need to leave behind the belief that violence is a useful tool for getting one's way and that women and children are acceptable targets.

"Immigrant women stay in abusive situations because it is part of their culture."

Immigrant women may remain in abusive relationships for many reasons. They may stay because they are isolated and have few options. They may fear deportation and believe that their whole existence in this country depends on the abuser. They may stay out of a sense of duty or family pride. They may stay because they do not speak English and are unfamiliar with the "outside world."

"Immigrant women are abused more frequently than non-immigrant women."

Abuse knows no economic, cultural, or geographic boundaries. Immigrant and non-immigrant women tell of similar violent experiences of pain, guilt, fear, and isolation suffered at the hands of their abusers. All male-dominated cultures

share values that support violence against women. However, immigrant women have even fewer resources that they can turn to for help.

"Abused immigrant women are uneducated and have few job skills."

Education levels of immigrant women range from little or no education to professional and doctoral degrees. In their countries of origin, these women may have worked as teachers, doctors, lawyers, nurses, domestics, homemakers, businesswomen, and executives. Upon arriving in this country, some have been forced to take low-paying jobs because their previous experience and qualifications are not recognized here.

"Abuse doesn't happen in same-sex relationships because these are relationships of equals."

Violence and other forms of abuse happen in lesbian relationships and relationships between gay men because the same dynamics of power and control can occur in any intimate relationship. Violence against a partner is a crime no matter what the gender of the victim or the abuser.

"Abuse of an elderly or disabled spouse is caused by caregiver stress."

While caregiver stress may be a reality if one partner is caring for an elderly or disabled mate, no violence or abuse is ever justified. Research shows that many incidents of so-called elder abuse or abuse of a disabled woman are, in fact, simply abusive relationships that have continued into old age or continued after a woman became disabled.

impact of the violence

impact on the women

The impact of violence against women in relationships on its victims is far-reaching, affecting not only their safety but their well-being, not only their home life but their relationships with the rest of the world. Violence affects women's self-esteem; their relationships with their children, family, and friends; their mental and physical health; and their ability to find employment or hold down a job.

Violence against women also affects women in society at large, whether or not they are victims of violence. The *1999 General Social Survey on Spousal Violence* found that 65% of women worried about their safety after dark while using or waiting for public transport, compared with 29% of men. Significantly more women than men felt unsafe walking alone at night or being at home alone at night.

impact on the children

Children who are exposed to violence against their mothers – even infants and very young children – may be seriously affected. Exposure to violence against their mothers can undermine children's emotional development and cause serious behaviour problems and difficulties in school (*General Social Survey on Spousal Violence*, 1999) (*Family Violence in Canada: A Statistical Profile 1999*, Statistics Canada; *Family Violence in Canada: A Statistical Profile 2001*, Statistics Canada). Current research tells us that the effect on children who witness the violence is serious and far-reaching. These children react in the same way as if they were being abused themselves (Jaffe et al., 1990).

financial impact on society

The economic costs to society of violence against women are difficult to determine, but what studies have been done all agree that the costs are enormous. Two Canadian studies have estimated the costs to be $1.5 billion for annual measurable costs in relation to health and well-being (Day, 1995) and $4.2 billion for partial costs for social services, education, criminal justice, labour/employment, and health/medical services (Greaves et al., 1995).

Another study done in BC estimated the partial annual economic costs of violence against women to be $385 million, and approximately $1 billion annually if health care, child services, court costs, and the effect of intergenerational violence are included (Kerr & McLean, 1996).

The trickle-down effects of the impact of violence against women on already overloaded social and health services are significant for all users of those systems and for the overall economy.

men who assault their wives or partners

characteristics of men who assault their wives or partners

Abusers come from all cultures, ages, races, classes, religious groups, and professions. However, many of them share some of the following characteristics:

- Abusers almost always minimize the severity and frequency of their violence
- Abusers generally blame someone (their wife, their children) or something (alcohol, drugs, stress) other than themselves for the violence
- Many – but not all – men who batter are impulsive and move or change jobs, for example, without considering the consequences
- Abusers are generally insecure men who are highly dependent on and very possessive of their wives
- 50-70% of abusers either witnessed their fathers battering their mothers or were themselves victims of abuse as children

- The majority of abusive men are violent only towards their wives
- Abusers are often very isolated and alone, but this isolation tends to be self-imposed
- Many abusers have alcohol/drug problems but counsellors generally stress that these are not the cause of the violence
- Most men who batter do not seek help voluntarily
- Men who beat their wives may have good qualities as well. They may be good providers, for example, or may be charming at times. It is important for workers to keep this in mind because it helps explain why the women may be staying in the relationship.

treatment for men who assault their wives or partners

Many women who experience abuse in their relationships tell service providers that they also want help for their abuser. There are programs across Canada for men who abuse their partners. The majority of these programs are designed for men who have been ordered by a court to attend.

Men in these treatment programs can make progress in unlearning abusive beliefs that underlie their behaviour. They can also learn to control their physical and emotional responses. Some programs offer individual counselling as well as a support group; others offer programs that teach skills for creating respectful relationships. Programs often focus on learning to live without violence; understanding the belief systems on which abusive behaviour is based; understanding the effects of violence; recognizing and controlling anger; understanding the links between alcohol, drugs, and violence; and learning to listen to others, to express feelings, and to negotiate conflicts.

Most experienced practitioners believe that programs that are primarily anger management programs are not appropriate programs for men who assault women. These men do not generally have anger management problems; they manage their anger effectively, directing it only at their partners, not at their bosses or friends. Research has shown that the most effective programs focus on changing values and beliefs as well as behaviour, and look at social as well as individual issues.

For information on assaultive men's programs available in BC, contact Community Corrections and Corporate Programs, Corrections Branch, of the Ministry of Public Safety and Solicitor General. The BC Institute Against Family Violence library has information about current trends in the treatment of assaultive men, including evaluations of local programs. The End Relationship Abuse (ERA) Network is a provincial network of services for assaultive men. (See Section 8.)

section 2

diversity as a factor in disclosing abuse, seeking support, and making choices

Understanding privilege 2.2

Being sensitive to diverse communities, unique needs 2.3

understanding privilege

An important step in understanding and respecting the diversity of cultures and lifestyles that women come from is to understand how the dominant culture grants privileges to certain groups above others. The term "dominant culture" is used to refer to the culture created by the group that controls key institutions, including politics, religion, education, and media. These institutions all play major roles in shaping culture. The dominant culture in Canada has generally considered white, Christian, heterosexual, able-bodied males as the norm by which to judge all others. This is the group of people who still hold the majority of power in Canada.

Within the past 20 years, there has been a growing recognition of the many diverse and varied experiences and perspectives that make up Canadian culture. Many values and beliefs are the same across cultures; however, how these values and beliefs are expressed or demonstrated may be culturally determined.

We often make assumptions about what women from cultures other than our own believe and value. We all have a responsibility to ask questions and clarify perceptions rather than to presume to know how a particular woman feels or will react to a particular situation.

No matter what a woman's cultural context, her experiences of abuse and violence will be directly influenced by her experiences of discrimination, oppression, and exclusion. For example, an Aboriginal woman who has been assaulted may experience her assault in a particular way because of her parents' experiences of residential schools. A sex trade worker may reject your suggestion to obtain a restraining order because of her past experiences with the justice system.

Victim service workers are challenged to create an environment where everyone feels welcome, included, and accepted. In order to provide protection to women from diverse cultures, you need to be aware of the visible and invisible barriers that these women face.

In order to enhance your effectiveness with women from all groups in society, you need to seek a better understanding of how your attitudes and feelings have been influenced by sexism, racism, heterosexism, homophobia, classism, ageism, and ableism.

being sensitive to diverse communities, unique needs

Every woman is unique – each is a mixture of characteristics and qualities unlike anyone else. It is easy to assume that because a woman comes from a particular cultural or other diversity group, there are certain behaviours or reactions that you can come to expect. Your effectiveness will depend on your ability to treat each woman as an individual with her own history and personal experiences.

To build trust, you must first "tune in" to a woman's personal experiences and fears and find out how her values and beliefs have shaped and influenced them. Let each woman tell her story in her own way and in her own time. Be open and honest about the limitations of the help and support you can provide. Acknowledge your own limitations regarding language and knowledge about the community you are working with. As with any woman you are assisting, use simple, straightforward language and avoid jargon or language that is legalistic. Offer practical and concrete suggestions that are realistic in terms of the woman's current situation. Above all, focus on safety and safety planning.

Understand that if a woman belongs to any of the groups described below she will experience some of the vulnerabilities and barriers discussed. If she is a member of more than one of these groups she will experience multiple vulnerabilities and barriers, compounded by the relationships among age, culture, immigration status, colour, ability, sexual identity and orientation, and lifestyle.

aboriginal women

As a group, Aboriginal people have experienced and continue to experience the effects of discrimination and racism. However, it is critical to approach each Aboriginal woman as an individual who has a unique set of cultural traditions and practices. Some Aboriginal women will want to access and use traditional approaches and culturally specific strategies as part of their support and healing process, while others will not. While some Aboriginal women may welcome alternatives to the mainstream legal system, such as healing or sentencing circles, others may consider that such alternatives minimize the seriousness of the crime that has been committed against them.

Many Aboriginal women are wary of accessing services because they have experienced discrimination and racism by social and legal institutions. If their husband or partner is Aboriginal, these women may also be reluctant to report

him to a system that has historically discriminated against him. As a result, Aboriginal women may not want to talk about the full extent of the abuse to a mainstream service provider.

section

Aboriginal women who experience violence may face the following barriers in disclosing the abuse and accessing help:

- Stereotypical attitudes towards Aboriginal people
- The impact of residential schools on Aboriginal communities
- Distrust of "white institutions," including the civil and criminal justice systems
- Family or community denial of the violence or abuse
- History of multiple forms of abuse, including child sexual abuse and sexual assault
- Multiple barriers such as substance use, mental health issues, or use of violence toward peers or children arising out of their own victimization
- The victim's involvement in the sex trade
- The victim's fear or history of apprehension of her children
- Fear of being isolated or shamed by her community for reporting the abuse
- Lack of confidentiality within the community
- Lack of services and support in remote communities
- Lack of phones and other forms of communication
- Illiteracy

The needs of Aboriginal women who have experienced abuse or violence are the same as those of other women: to be heard, to be respected, and to be safe. Some Aboriginal women have expressed the view that they prefer to obtain services from an Aboriginal organization or agency, while other women have indicated that they prefer to access mainstream services for reasons of confidentiality.

Some Aboriginal women may prefer "one-stop shopping" rather than being referred to different organizations and agencies, each with unique boundaries and mandates. Some may prefer to receive services in their homes rather than having to set up an appointment in the community. As well, the extended family or elders may play an important role in providing assistance and support, a role that may be particularly significant in the woman's safety planning.

The *Gladue* case in the Supreme Court of Canada reflected a consideration of the special circumstances of Aboriginal offenders (see Section 7.22, *Completion of the court process*)

immigrant and refugee women[1]

Women who are immigrants or refugees experience a whole set of challenges in leaving one country and adapting to a new country. While these challenges are more acute during the first few years of the immigrant experience, for many women and their families the adaptation process goes on for many years. For many, some of the challenges of melding two cultures will never really leave them. This is true whether or not the woman is a person of colour, whether or not she speaks English, and whether she is rich or poor, employed outside the home or not. However, skin colour, lack of English language skills, poverty, and lack of ability to find employment outside the home all present added burdens for immigrant or refugee women experiencing violence.

Isolation is a factor for all women who experience violence. For immigrant and refugee women, particularly women of colour, the isolation may be compounded by language and cultural barriers, racism, distance from friends and families, and lack of knowledge about the service delivery and justice systems. Immigrant and refugee women may also be dealing with the impact of changes in status and occupation when they arrived in Canada, the aftermath of trauma experienced in their country of origin, intergenerational conflict, culture shock, unavailability of supportive relationships, challenges to traditional family roles, and the ongoing process of adaptation.

Immigrant and refugee women will likely have many fears about the consequences of disclosing the abuse, including fear of losing their children; fear of the loss of family; fear of the loss of status in their community, the shame and humiliation of being rejected by their community, and the stigma of "not doing enough to save the marriage"; fear of economic insecurity and of having to "make it on their own"; and fear of the intrusion of the justice system into their personal lives.

Many immigrant and refugee women come from cultures where there is a belief that the legal system has no place in family matters or where the legal system is not to be trusted. Even in families where the actual violence is condemned, seeking assistance from outside the family may not be supported.

The threat of sending a woman "back home" can give an abuser a powerful weapon to use against her. If the threat of having her children taken away is

section

footnote 1

[1] Adapted from the *Violence Against Women from Diverse Cultures* curriculum developed by the Justice Institute of BC, 2002.

added to the mix, her compliance and fear of reporting her circumstances may become even greater. Even if her residency status is not in question, she may believe that she will not be able to obtain the type of work that will enable her to support herself and her children if she leaves her husband.

Refugee women, picture or mail-order brides, visiting students, temporary workers, tourists, and women sponsored for entry into the country are all particularly vulnerable as they have no permanent status until their immigrant applications are processed and approved.

For immigrant or refugee victims of violence, barriers to seeking assistance may include:

- Lack of English language skills
- Lack of immigrant or refugee status
- Systemic discrimination and racism, particularly if she is a woman of colour
- Lack of appropriate, confidential interpretation services or assumption by service providers that anyone who speaks the woman's language can be an interpreter
- Difficulty in obtaining employment that will maintain her dignity and support her and her children
- Dependence on her sponsor for financial and emotional support
- Lack of childcare services
- Lack of culturally appropriate counselling and support programs in her own language

women of colour

It is important to differentiate between women of colour who are Canadian-born and/or educated and immigrant and refugee women who are relatively new to Canada. Don't make the assumption that all women of colour are immigrants to Canada or that all immigrant women are women of colour. Also, women of colour represent many different cultures and religions and it is important not to assume that all black women, for example, are immigrants from the West Indies or from Africa.

Many women of colour report experiencing discrimination and racism by social and legal institutions. As a result, they are wary of accessing services. If their husband/partner is a man of colour, these women, like Aboriginal women, may also be caught in the dilemma of wanting the abuse to stop but not wanting to expose him to a system that has historically discriminated against him. As a result, women of colour may be reluctant to disclose the full extent of the abuse and violence to a mainstream service provider.

Many Canadian-born women of colour have also experienced being treated as if they are uneducated, do not speak or understand English, or are not familiar with the customs and traditions of the dominant Canadian culture. Years of being treated as "different," as inferior, or as invisible may make it difficult for these women to come forward and believe that they will be helped by the system.

women from faith communities[2]

For many women from faith communities, spirituality is an important part of life. Practising their faith creates hope and helps them to maintain a belief that life has meaning and purpose. For women in these communities who experience abuse and violence, their faith or spirituality may be something constant and predictable, something that enables them to remain optimistic and feel supported and comforted.

Acceptance of one's fate is a common aspect of many faiths, and this perspective can prevent women in violent and abusive relationships from disclosing what has happened and seeking help. Women from faith communities that discourage divorce may be ostracized from their communities if they leave their partner.

Women from faith communities need to feel that their beliefs and traditions are valued and respected and that their need for prayer, meditation, or reflection is incorporated into whatever assistance is provided.

Whether women are involved in organized religion or in their own personal quest for spirituality, they will need time to integrate what is happening to them in the secular, material world with their religious or spiritual beliefs. As for all women, allowing women to move at their own pace and reach the necessary conclusions on their own and within their own context is critical to their ability to stay safe.

women with disabilities

Some disabilities are "visible"; others are not. Disabilities can be physical or mental, and can include learning disabilities that may not be immediately noticeable but may, for example, impact a woman's ability to absorb information you are giving her.

footnote 2

[2] Adapted from the *Integrating Difference in Transition House Work* curriculum developed by the Justice Institute of BC, 2003.

For some women with disabilities, the abuse started before they became disabled. The same dynamics of power and control may have been operating in the relationship long before they became physically dependent on their partners. Their physical dependence may have made matters worse, however, both in terms of the abuse itself and in terms of their ability to get out of the relationship.

In those instances where women with disabilities have to rely on others to help them with mobility, toileting, eating, bathing, or other daily tasks, this dependence on others for basic needs increases the chances that she will experience abuse.

A woman's dependence upon a person who is abusing her, for care and for the opportunity to stay in a home that may have been specially adapted, makes leaving very difficult. The woman will need information about alternative sources of housing and care, if they exist, as well as other options that may be available to her.

Many women with disabilities have been isolated from typical sources of social support and assistance. These women may not even be aware of what is available to them and, in some cases, may not be able to make even the necessary phone calls. Many women fear being dependent on anyone outside the family and may believe that staying in the abusive relationship is a better option. Some women may feel that a non-disabled person would not understand or empathize with them.

Access to services, including physical access as well as information materials that are accessible to those who are sight-impaired or hearing-impaired, is often incomplete or non-existent. While many facilities are wheelchair-accessible, some are not, and many organizations do not have the necessary equipment or adaptations to meet the needs of women who are visually or hearing impaired, developmentally disabled, or non-verbal. This severely limits the options available to these women.

Much can be done to improve the accessibility and hospitality of services for women with disabilities at relatively low cost. What is needed is information about how to do this – from people with disabilities themselves, from local advocacy groups serving women with disabilities, and from available publications and websites listed in Section 8.

Women with hearing or speech disabilities can call the 24-hour Telus Message Relay Centre at 711 (TTY users) or the voice-activated 1-800-855-0511.

women from the deaf community

Be sensitive to the fact that some deaf women may identify being deaf as belonging to a specific culture and speaking a specific language, and not as having a disability.

Women with hearing or speech disabilities can call the 24-hour Telus Message Relay Centre at 711 (TTY users) or the voice-activated 1-800-855-0511.

The specific needs of deaf women who are abused may include:

- Availability of sign language interpreters for interviews and court appearances
- TDD systems to enable them to make and receive calls
- Information materials and forms written in plain language
- Referrals to services and programs that have experience working with women who have disabilities and with deaf women in particular
- Respect for how they define themselves and their deafness

people in same-sex relationships

Most people in same-sex relationships identify as lesbian, gay, bisexual, two-spirited, or queer, but some people may not identify with any of these terms. In this section, for simplicity, we refer to people in same-sex relationships as lesbian or gay.

There are certain factors that service providers should be aware of when providing support to victims of violence in same-sex relationships.

When reporting incidents of violence to a therapist, police officer, or medical personnel, victims of violence in same-sex relationships often experience a lack of understanding on the part of the service provider of the seriousness of the abuse. Homophobia denies the reality of the lives of lesbians and gay men, including denying the seriousness of abuse when it happens in same-sex relationships.

Victims of same-sex relationship violence often have difficulty finding sources of support. Very few services exist specifically for men who are abused in same-sex relationships. For women, utilizing existing services for abused women (such as shelters, support groups, and crisis lines) can mean lying about the batterer's gender in order to gain acceptance as a heterosexual or, on the other hand, deciding to take the risk to come out, which is a major life decision. Lesbians and gay men may fear that if they reveal their sexual orientation to service providers they may run the risk of their family finding out or of losing their homes, jobs, reputations, or custody of their children. Older people, in particular, may never

have "come out," and find it very difficult to be open about their lives with agency personnel or legal authorities.

section

Lesbians who experience violence from their female partners or ex-partners may find it difficult to acknowledge that their partner or ex-partner is being or has been violent. If victims of same-sex relationship violence do acknowledge the abuse, they may have fears of losing the relationship that confirms their sexual orientation, fears of not being believed about the abuse, or fears of losing friends and support within the gay or lesbian communities.

A victim of same-sex violence may be dependent on his or her partner for financial assistance and support. The couple may have pooled their earnings and assets but without the necessary legal protection. Victim of abuse may fear losing everything they have put into the relationship, including their home, as a result of disclosing the abuse.

Even though an abusive woman may not have the same level of social status and power as an abusive man, she may be able to harm her partner in different ways. For example, she may be able to access women-only services to trace her partner's whereabouts. She may also employ forms of abuse particular to same-sex relationships, such as threats to disclose her partner's sexual orientation to family members or employers.

To assist victims of violence in same-sex relationships, victim service workers can:

- Be aware of the silence about partner abuse in same-sex relationships, both within and outside of gay and lesbian communities
- Remember that it is completely up to the victim to choose whether or not to disclose his or her sexual orientation
- Take their lead from victims, acknowledge their sexual orientation, and let them know you accept and respect it

transgender or transsexual (trans) people

One of the first responsibilities in providing services to trans victims is to understand terms used by the trans community. It is important to remember that, like all groups of people, the trans community includes many different people with different beliefs and attitudes.

Trans refers to people who break away from one or more of society's basic expectations about sex and gender, including the expectation that everyone is either a man or a woman, that gender is fixed, that gender is rooted in physiological sex, and that our behaviours are linked to gender. An example of a trans person would be someone who is biologically male but who thinks of himself as a woman.

intersex people have physical characteristics of both sexes. Gender identity may be male, female, or a blend of both.

People who are visibly trans often experience abuse or abandonment by family, friends, and communities of origin. Out of fear of discrimination and internalized stigma, many trans people remain closeted, choosing not to reveal their gender identity publicly.

Trans people may face some of the following barriers to accessing services:

- Emotional barriers, such as denial, minimization of the incident, embarrassment, or shame
- Social factors such as fear of reprisal, financial reliance on the perpetrator, assumptions that they won't be believed, fears of state intervention such as removal of children, past negative experiences with systems, or a perception that the justice system is unjust
- Disproportionately high incidence of depression, HIV infection, poverty, alcohol and drug abuse, suicide, high school dropout, and likelihood of becoming street-involved
- Fear of being ridiculed by police, a belief that there is nothing the police can do to protect them, or fear that if they report a crime their status as trans will be made public by the perpetrator or through the legal process
- Discomfort with using a service that has no history of being open or supportive to trans people or that does not appear to be inclusive

In addition, some anti-violence organizations are gender-based and may refuse access to trans people or require outing oneself or presenting as the "acceptable" gender in order to obtain services.

older women[3]

Violence against women is frequently viewed as affecting only women of childbearing or child-rearing age. Violence by an intimate partner can and does affect older women.

Although what little gendered research has been done on elder abuse shows high rates of violence against older women, most research on abuse of older women is still viewed through a gender-neutral lens, as part of the elder abuse

footnote 3

[3] Adapted from *Silent and Invisible: What's age got to do with it? Violence and Abuse in the Lives of Older Women*, by Jill Hightower and M.J. (Greta) Smith, 2001..

continuum, rather than being seen through a gender-based lens.

The reality of the power and control dynamics of abusive relationships does not change for women as they age. Some women may have been with the same abusive partner for many years. Many grew up in a generation where women stayed with their spouses despite hardships or unhappiness. Some older women may never have lived on their own.

Some older women start new relationships after the end of their first marriage. Some of these women have gone from one violent relationship to another, while others were in relationships with non-abusive partners and are experiencing abuse or violence for the first time.

Older women might not think of themselves as victims of abuse, partly because of generational norms and views of marriage. The terms domestic violence or violence against women may not have existed when they entered into abusive relationships (Stiegel et al., 2000).

Older women may face some of the following barriers to service:

- Many of the same challenges that younger women face in seeking help or leaving an abusive relationship, with even more financial vulnerability than younger women
- Fear of the loss of jointly owned assets that have been accumulated over a lifetime; the loss of health care benefits; difficulty in obtaining pension benefits, finding employment, or otherwise replacing lost income
- The stigma attached to identifying oneself as a "battered woman," which would likely be even greater for an older woman than a younger one
- Reluctance to access services that they think are meant for younger women
- Difficulty in accessing medical care and assistance because of chronic health conditions or functional limitations
- Transportation problems
- Not being believed when they speak about their experiences of abuse or violence (sometimes their disclosures are discounted or attributed to confusion or the onset of dementia)
- Feelings that they have coped with the abuse or violence for so long that it is not worth making difficult changes at this point in their lives
- Embarrassment about having put up with the abuse or violence for so long that they minimize or trivialize what is happening to them
- Lack of awareness of the dynamics of abuse and violence on the part of many organizations and agencies that work with older adults (they may come up with solutions for the woman that either put her at greater risk or

give the abuser even more control)

- A high degree of dependence on their abusers as a result of physical impairments, deteriorating health, or disabilities; disclosing the abuse may leave women without the supports they need
- Discomfort with the language used to describe what is happening to them; workers will have to come up with words to describe the abuse that are consistent with the words used by the particular woman

Fifty Community Response Networks (CRNs) have been established in BC to create coordinated responses to adult abuse, neglect, and self-neglect, including abuse of older women. CRNs have two interrelated goals:

- To develop protocols to help ensure that adults in need of assistance get it
- To work towards prevention by undertaking educational initiatives to build the community's capacity to recognize abuse and neglect, to know where to go for help, and to ensure that as many people as possible know their rights and how to protect themselves so they won't be at risk

CRNs do not replace but incorporate agencies and processes already in place to address the concerns of older women who are abused in their relationships. For more information about CRNs, contact the BC Foundation to Support Community Response to Adult Abuse and Neglect or the Public Guardian and Trustee of British Columbia (see Section 8).

sexually exploited and street-involved young women

Young women are particularly vulnerable to sexual exploitation, to having their bodies and their sexuality used for someone else's gain. This might involve a person in a position of power or authority forcing or coercing the young woman to exchange sex for money or for drugs, food, or shelter.

The Criminal Code protects young people ages 14 to 17 from the offence of sexual exploitation. The *Criminal Code* defines this as a situation where someone in a position of trust or someone with whom the young person has a relationship of dependence, uses this relationship to initiate sexual contact (s. 153).

Amendments to the Criminal Code in 2005 created a new sexual exploitation offence to include situations where the relationship between the victim and offender is deemed to be exploitive (section 153 [1.2] of the Criminal Code).

Under BC's *Child, Family and Community Service Act* (CFCSA), sexual exploitation is defined to include situations where a child is being encouraged or pressured to engage in prostitution (s. 13[1.1]). In this context a child would include someone under age 19.

Section 98 of the *CFCSA* allows child protection workers to work with the police and others who are involved with children and youth at risk of sexual exploitation. Under this section, child protection workers can apply to the court for a restraining order. The order restricts contact between the child or youth and another person if there are reasonable grounds to believe that the other person is applying pressure to engage in prostitution.

Sexually exploited and street-involved young women may be victimized in their intimate relationships because of a lack of financial independence, lack of safe housing, and/or drug and alcohol use. They may have histories of sexual, physical, or emotional abuse and of witnessing violence in the home that cause them to "normalize" violence in their families and communities.

Sexually exploited young women end up being criminalized. They may use drugs, steal, and physically fight in order to survive. Their peers may be youth involved in illegal activities.

Barriers to young street-involved or sexually exploited women accessing services may include:

- Feeling that reporting a crime would be dangerous
- Feeling that "he will get off easy," so it's not worth reporting it
- Not feeling heard
- Feeling judged
- Lack of confidence in support systems
- Fear of being labelled a "rat" by peers
- Feeling pressured to divulge too much personal information

men abused by their female partners

Men who have been abused by their partners typically have to deal with feelings of embarrassment and shame. Disclosure to peers or family may be met with a mixture of disbelief and accusation. When they look for help, they are likely to be faced by a lack of services.

Men who have been abused by female partners may identify the emotional abuse as being more sustained and significant than physical violence, resulting in the destruction of self-esteem, depression, suicidal impulses, nervous breakdown, and mental instability. Concealment is a relatively common way in which male victims cope with the abuse. Male victims have identified responses that include withdrawing from social interaction, lying about the causes of injuries, drinking, becoming obsessed with physical exercise, working long hours, and leaving the family home (Brogden & Harkin, 2000).

Research indicates that only 17% of men abused by their partners use a social service and that only 15% of men report the violence to police (*Family Violence in Canada: A Statistical Profile 2000*, Statistics Canada). While these figures may reflect the less severe nature of violent incidents experienced by men, they may also reflect the fact that men in general are reluctant to ask for help, and that male victims are hesitant to use social services because they do not see them as being accessible to them or as acknowledging their realities.

section 3

responses to violence against women in relationships: legislation, policy + services

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A variety of federal and provincial laws can be applied in cases of violence against women in relationships. Perhaps this reflects the complexity of women's lives. Women are often the primary caregivers for children and members of the extended family. Leaving a dangerous situation involves not only the woman herself but those she is responsible for. Sometimes the complex web of relationships and laws involved can make it difficult for emergency responders to take appropriate action. This chapter provides an overview of some of the laws that are designed to help protect women and assist emergency responders in these cases. Other legislation that applies to victims of crime in general, such as legislation covering victim impact statements and restitution are discussed in Part 1 of this handbook.

Canadian Charter of Rights and Freedoms

The *Charter* establishes fundamental legal rights and freedoms. It is part of the Canadian Constitution and applies equally to everyone, including the victim and the accused. Federal and provincial laws must not violate *Charter* guarantees. Also, the actions of justice system personnel and the policies they apply must be consistent with Charter principles.

Although all *Charter* rights are important, the following can have a direct impact on victims' rights in criminal cases:

- Section 7 – The right to life, liberty and security of the person and the right not to be deprived thereof except in accordance with the principles of fundamental justice. *(Security of the person has been interpreted to include protection of the victims' privacy in court cases.)*
- Section 15 – The right to equality before and under the law and equal protection and benefit of law without discrimination based on race, national or ethnic origin, colour, religion, sex, age or mental or physical disability. *(Laws must be interpreted and applied in a way that does not show bias.)*
- Section 28 – All rights and freedoms are guaranteed equally to men and women. *(Laws must be interpreted and applied in a way that does not reflect bias based on gender.)*

Criminal Code of Canada[1]

assault

There is not a specific offence of spousal assault in the *Criminal Code*. The criminal offence most commonly charged in cases of violence against women in relationships is assault. In general terms, an assault is the intentional application of force to another person without their consent, or an attempt or threat to do so.

The *Criminal Code* sets out three levels of assault from least serious (Level 1) – sometimes called common assault – to the most serious (Level 3). The three levels can be summarized as follows:

level 1 – assault (s. 265)

- Can be a summary conviction or indictable offence (see Section 7.6, *Laying charges*)
- Occurs when a person intentionally applies force to someone else without their consent, or attempts or threatens to do so
- Carries a penalty of up to six months or a fine of up to $2,000 or both if by summary conviction (ss. 266, 787)
- Carries a five-year maximum penalty if by indictment (s. 266)

level 2 – assault with a weapon, threats to a third party or causing bodily harm (s. 267)

- Can be a summary conviction or indictable offence
- Occurs when a person is assaulted by someone who
  - Has a weapon or threatens to use a weapon; or
  - Causes bodily harm to the victim
- Carries an 18-month maximum sentence if prosecuted as a summary conviction offence

footnote 1

[1] Greenspan + Rosenberg, 2004.

- Carries a 10-year maximum sentence if prosecuted as an indictable offence

level 3 – aggravated assault (s. 268)

- Is an indictable offence
- Occurs when a person wounds, maims, disfigures, or endangers the victim's life
- Carries a maximum sentence of 14 years

sexual assault

A sexual assault is an assault committed in circumstances of a sexual nature. It is an assault that violates the victim's sexual integrity. A sexual assault may often be combined with a physical assault. For example, if the abuser hits the woman and then drags her to the bedroom and touches her in a sexual way or performs forced penetration, he would have committed both physical assault and sexual assault.

While sexual assault is often combined with physical assault in the context of violence in an intimate relationship, sexual assault is less commonly charged in these situations.

Like physical assault, sexual assault has three levels of seriousness, with slightly higher penalties than those for the equivalent non-sexual assault offences. See the Appendix for a list of sexual assault levels.

criminal harassment

Criminal harassment or stalking is criminal behaviour that may not result in physical injury but causes the victim to reasonably fear for her safety or the safety of someone she knows. It includes such things as repeatedly watching, following, or communicating with the victim.

Such behaviour may be a precursor to violent acts. Anyone convicted of this offence will be prohibited from keeping weapons of any kind.

Criminal harassment is not new but recognition of it as a distinct criminal behaviour is relatively recent. It was introduced as a specific response to violence against women.

other relevant *Criminal Code* offences

There are a number of other *Criminal Code* offences that are less commonly charged but may apply to violence committed in the context of an intimate relationship. Some of these are categorized as offences against property. For

example, where an ex-partner breaks into the woman's house in order to intimidate her, he might be charged with breaking and entering. If he takes or destroys some of her things, he may be charged with theft or mischief.

In more serious cases, the woman or her children will experience the violence directly. For example, the abuser may kidnap the woman and/or abduct the children. He could then be charged with kidnapping or abduction in violation of a custody order.

In the most tragic cases, the violence is so extreme that the woman is killed by the abuser, in which case, he could be charged with murder or manslaughter.

A list of relevant *Criminal Code* offences is included in the Appendix.

Bill C-2

Bill C-2 amended the Criminal Code and Canada Evidence Act in 2005 which has resulted in important changes for witnesses in trials. Testimonial aids such as screens and video links for testifying outside the courtroom are now available to victims and witnesses under the age of 18 and those with disabilities upon application by the prosecutor or witness. Other vulnerable witnesses may receive a testimonial aid or other measure if the judge feels it is necessary for the victim or witness to give full and candid testimony. The judge will consider such factors as the nature of the offence and the nature of any relationship between the witness and the accused in making a decision. Other amendments include broader restrictions on cross-examination of the victim/witness by the accused. You should become familiar with these laws and their implications for victims and witnesses.

BC *Victims of Crime Act* (VOCA)

The *BC Victims of Crime Act* provides significant rights to victims of crime, including:

- The right to be treated with courtesy, respect, and without discrimination by all justice personnel
- The right to receive information on the justice system, victim services, and related legislation
- The right to receive certain case-specific information on the investigation, prosecution, sentencing, and release
- The right to be given a reasonable opportunity to provide victim impact information for presentation to the court before sentencing
- The right to receive independent legal representation, free of charge, for the disclosure of their personal records

Under *VOCA*, the spouse, sibling, child, and parents of the person against whom the offence was committed are also considered victims.

Information that will be made available to the victim on request includes:

- Status of the police investigation
- Specific counts the accused has been charged with or convicted of
- The reasons why no charges were laid (if none were laid)
- The name of the accused
- Specific information on each court appearance that is likely to affect the accused's bail status or the case's final disposition and the outcome of these court appearances
- The start date and length of the offender's sentence
- How to report breaches of bail terms or probation orders
- How to contact agencies that may grant or amend parole conditions or authorize release from custody
- The eligibility and review dates of the offender's custodial status and how to make representations in such proceedings
- Copies of orders and permits setting conditions for the accused or offender that are relevant to the safety of the victim

BC Crime Victim Assistance Act

Under the *BC Crime Victim Assistance Act* (which replaced the *Criminal Injuries Compensation Act*), victims injured as a result of certain crimes, immediate family members of an injured or deceased victim, and some witnesses may be eligible for financial assistance and/or benefits. The provisions of the *Crime Victim Assistance Act* and Regulations are carried out and managed by Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General through the Crime Victim Assistance Program (CVAP).

information and privacy legislation and concerns

The need to protect the privacy of survivors of sexual assault is a fundamental concern for community-based advocates and service providers. Another serious concern is the need to guard against further violence. Balancing these two needs can be a challenge.

In BC, most victim-serving agencies' information management practices will be regulated by either the *Personal Information Protection Act* or the *Freedom of Information and Protection of Privacy Act*. RCMP-based programs may be governed by the federal *Privacy Act*. All these laws contain specific requirements about the collection, use, and disclosure of personal information.

You should determine which act applies to your agency or program. Which act applies will depend on a number of factors, including the nature of your funding contract and who has "custody or control" over agency records.

As a general principle subject to limited exceptions, the survivor's consent should be obtained before information is shared with other agencies or professionals. For example, if you work in a police-based program and your client records also form part of the police file, the woman should be informed of this practice and consent to her personal information being shared in this way.

Section 7, *The pre-trial process* (Section 7.14), includes more information regarding privacy protection for victims during the court process.

basic confidentiality principles

In order to comply with privacy legislation and to ensure the safety of women and their children, the following principles should guide all your interventions with women who are victims of violence in their relationships (Ruebsaat & Porteous, 1998):

- The safety and well-being of clients is the primary obligation of agency staff and board members
- Agencies are primarily accountable to the people they serve
- Women who are victims of violence have the right to be informed regarding the nature of the service they receive and the contents of any documentation of that service. They have the right to request corrections of errors or omissions contained in the personal information they have provided.
- Agency staff should inform women of the general limits to confidentiality at the time they request service
- Agencies will protect the confidentiality of all professionally acquired information. Such information will be disclosed only with the woman's consent or where there is a clear legal obligation to release it.
- Agency staff may disclose client information to other staff who, by virtue of their responsibilities, have a need for it
- Client information should only be disclosed to board members in exceptional circumstances, where there is a critical need for them to know
- Information should be collected from the woman herself unless she authorizes collections from another source

exceptions to the basic principle of confidentiality

Every effort should be made to keep information provided by the survivor

confidential, but there are important exceptions to the basic principle of confidentiality. The woman should be advised of these exceptions and of the approach your agency will take.

- **The duty to report under child protection legislation.** Where a person has reason to believe that a child needs protection, he or she must report the circumstances to a child protection worker at the Ministry of Children and Family Development. (For details, see "Child protection legislation" below. For details about supporting mothers in reporting child protection concerns in VAWIR cases, see Section 6.15, *Children's needs*.)
- **If you have reason to believe that the survivor is dangerous.** If you believe that the survivor will seriously harm someone else, you have a legal duty to inform the police and the intended target. Failure to do so may leave you or your agency vulnerable to a civil claim alleging a failure to exercise due care.
- **Suicide.** In cases where a survivor is suicidal, failure to report or take appropriate steps to intervene may leave the agency vulnerable to civil liability if the woman does commit suicide and aggrieved relatives launch a civil suit.
- **Discussion with others about the case.** To maintain your credibility and the trust of the survivor, you and other workers must not discuss any case outside your work environment. You should discuss the case only within the confines of your office or in other private areas such as a witness room, a victim services office, a police office, or a Crown office. It is not appropriate to have a friend with you in the victim services office or while on a case in the community. If you discuss the case with anyone outside your agency, for purposes of referral or coordination, you must have the woman's permission and note that in the file.

child protection legislation

Under s. 14 of the *Child, Family and Community Service Act* (CFCSA), where a person has reason to believe that a child needs protection, they must report the circumstances to a child protection social worker at the Ministry of Children and Family Development. The belief that the child needs protection can be based on information the person has received or something they have witnessed. Once the report is made, it is up to child protection social worker to decide whether further action, such as an investigation by the Ministry, is required.

Section 13 of the *CFCSA* describes circumstances under which it is reasonable to believe that a child may need protection. Service providers should refer to the act for a complete list. Further information can also be found in the *Child Abuse Handbook*, which is available on the Ministry of Children and Family Development website (see Section 8). If the perpetrator assaults both the mother and the child, then a report to the Ministry would clearly be required.

Also, if the child is assaulted on a separate occasion and the mother is unwilling or unable to provide protection, then a report would be required.

Also included in the list is a requirement to report if the child is emotionally harmed by the parent's conduct. In some situations, where children witness the abuse of their mother, there would be a requirement to report depending on the degree of emotional harm suffered by the children. The *CFCSA* states that children are emotionally harmed if they demonstrate severe:

- Anxiety
- Depression
- Withdrawal
- Self-destructive behaviour

The Ministry of Children and Family Development's *Best Practice Approaches: Child Protection and Violence Against Women* can assist workers who are providing child protective services in VAWIR situations.

custody and access legislation

In BC, most family law issues are dealt with by the *Divorce Act*, which is federal law, and the *Family Relations Act*, which is provincial. In many violence against women in relationships cases, in addition to possible criminal charges against the perpetrator, there may be family law actions going on related to separation or divorce of the couple. These will be separate from the criminal proceedings.

Often the abuser will use the family law courts to further harass or intimidate his partner. For example, he may challenge her bid for custody even if he has not demonstrated a genuine wish or ability to be responsible for day-to-day care of the children. Or, if he is awarded shared custody or access, he may use the contact with the children as opportunities for further violence, abuse, or control.

Although there is a high correlation between child abuse and abuse of the mother, the courts do not consistently consider abuse of the woman as relevant to custody. Each case will be decided on its own merits.

If a family matter is pending, it is crucial that women are represented by their own lawyer. Counsel can help ensure that steps are taken by the family law courts to protect the woman and her children, such as seeking a restraining order, restricting the abuser's access to the children entirely, or requesting only supervised access. Women should be referred to legal aid. Many communities also have family law duty counsel for those who do not qualify for legal aid services. For more information on restraining orders, see Section 6, *Safety through protection orders* (Section 6.4).

For further information, see the BC Association of Specialized Victim Assistance and Counselling Programs' *Family Law Resource Manual for Community-based Advocates Assisting Women Dealing with Violence Issues* (2004). The BC Institute Against Family Violence's *Aid to Safety Assessment and Planning (ASAP): For Women Who Experience Violence in Their Partnerships* and the companion document *ASAP Protective Measures for Women's Safety: an operational framework for interveners* also contain useful information for those working with women who are victims of violence and who are dealing with custody and access matters.

other relevant legislation

A number of other pieces of federal and provincial legislation will be relevant to your work in supporting victims of crime. These include but are not limited to the following examples:

- When you are working with older women, you may need to know about the provincial adult guardianship legislation. For an introduction to this legislation, visit the website of the Office of the Public Guardian and Trustee: www.trustee.bc.ca
- When you are working with a mature teenage victim, you may need to know about the provincial *Child, Family and Community Service Act*. For details, see the handbook Victim Services for Children and Youth in this series.
- When you are working with victims who are members of groups who may be discriminated against, such as members of the lesbian, gay, bisexual, and transgender (LGBT) community, you may need to know about federal and provincial human rights legislation and hate crimes legislation. A good place to start is the website of the BC Human Rights Coalition: www.bchrcoalition.org
- When you are working with victims who are on pensions or welfare, you may need to know about the legislation that governs those benefits. A good place to start is with the plain language publications *When I'm 64* and *Your Welfare Rights*, by the Legal Services Society. See the Legal Services Society website for details: www.lss.bc.ca
- When you are working with victims who are separating or divorcing, you may need to know about the provincial *Family Relations Act* and the federal *Divorce Act*. A good place to start is the family law website of the Legal Services Society: www.familylaw.lss.bc.ca
- If you are working with an Aboriginal woman, you may need to know the *Indian Act* and about the policies of Indian and Northern Affairs Canada (INAC). For INAC, see the website: www.inac.gc.ca
- If you are working with a woman with disabilities, you may need to know

about the Ministry of Human Resources legislation as it affects persons with disabilities. The BC Coalition of People with Disabilities may be able to assist you. Their website is www.bccpd.bc.ca

- If you are working with an immigrant woman, you may need to know about the *Immigration Act* and about what happens when the woman has been sponsored by the abuser. The BC Institute Against Family Violence website has useful resources: www.bcifv.org

You can access provincial and federal legislation from the Legal Services Society Electronic Law Library website at www.bcpl.gov.bc.ca/ell by clicking on "The Law" in the left-hand column. HTML versions of legislation are ***not*** official versions.

You should ensure that your program has hard copies of all of the relevant legislation listed here. Even if you become familiar with these acts, however, only a lawyer can give legal advice. Contact one of the above organizations or a lawyer if your client requires specific legal information.

policy

BC *Violence Against Women in Relationships Policy*

BC's *Violence Against Women in Relationships (VAWIR) Policy* is part of the *Policy on the Criminal Justice System Response to Violence Against Women and Children* (Ministry of Attorney General, 2004). The policy was first introduced in 1984 as the *Wife Assault Policy*, was revised and renamed the *Violence Against Women in Relationships Policy* in 1993, and continues to be updated every few years.

The *VAWIR Policy*:

- Directs the justice system to emphasize the criminality of violence within relationships and to take the necessary measures to ensure the protection of women and children who may be at risk
- Applies also to same-sex relationships and to male victims within heterosexual relationships where power and control dynamics exist
- Recognizes the special needs of women from diverse cultures, women with disabilities, and victims in same-sex relationships
- Recognizes the importance of police giving priority to all calls involving violence against women in relationships
- Covers the continuum of behaviours ranging from harassing phone calls to aggravated assault
- Acknowledges that where abuse occurs, there is usually a power imbalance between the partners in the relationship

- Requires police officers, where they believe an offence has occurred, to arrest where legal grounds exist and it is in the public interest, including when it is necessary to secure the accused's attendance in court or to prevent the repetition of the offence or the commission of other offences
- Calls on police to inform the victim of any community-based specialized victim services and to refer her to those services
- Calls on Crown counsel to inform the victim, even when she is fearful of proceeding, that society has an interest in prosecuting offenders who perpetrate violent crimes within relationships

Note: *The Crown counsel section of the policy was changed in 2003 to give Crown more discretion in charging. See below for more information on the Crown policy.*

BC police policy

Municipal police in BC are directed to follow the provincial *VAWIR Policy*. They may also have policy developed by their particular department that is consistent with the provincial policy.

RCMP are directed to follow the *RCMP "E" Division (British Columbia) Violence in Relationships (VIR)/Violence Against Women in Relationships Policy* in conjunction with the BC *VAWIR Policy*. The short term for the RCMP policy is the *"VIR Policy."*

If you are working in an RCMP-based program, make sure that you have a copy of the most recent *VIR Policy* and ensure that you are familiar with its provisions.

Some highlights of the *VIR Policy* are that the policy:

- Recognizes that violence within relationships has distinctive dynamics not found in other violent crimes
- Directs that special sensitivity should be used in cases where victims have specific cultural and/or language/communication needs
- Acknowledges that victims may be in a fragile psychological state and, for this reason, may appear to be reluctant or uncooperative
- Describes the cycle of violence. In cases where it is alleged that both parties have been violent, the policy directs police to identify the primary aggressor in the relationship by considering such factors as the history of violence in the relationship and the level of injury sustained. The policy recognizes that an allegation of mutual aggression is often raised by the primary aggressor as a defence for the assault against the primary aggressor's partner.
- Cautions police against accepting an argument of mutual aggression and directs that cases should be fully investigated to determine what happened
- Directs that victims be encouraged to seek support from a victim service program

- Identifies that in places where they exist, community-based victim services are the primary service provider in VAWIR cases
- Was amended in 2005 to include new operational release procedures for risk assessments, documentation, referral, victim notification, and cancellation of Promise to Appear/Undertaking to Appear (PTA/UTA)

BC *Crown Counsel Spouse Assault Policy*

In 2003 the new *Crown Counsel Spouse Assault Policy* replaced the Crown section of the *VAWIR Policy*. The changes provide for:

- Increased use of Crown counsel discretion in the laying of charges
- Increased use of alternative measures and section 810 Peace Bonds
- Addressing the issue of victim "reluctance" to testify as a witness

BC Crown Counsel Alternative Measures for Adult Offenders Policy

Alternative measures are a formal alternative to charging and proceeding through the criminal justice process. In cases that Crown counsel believe to be appropriate, Crown will make a recommendation to Corrections and then Corrections staff will screen these cases carefully, using the criteria listed below. Based on their risk assessment, Corrections then make a recommendation to Crown counsel about the defendant's suitability. The final decision rests with Crown counsel. If alternative measures are approved, the defendant will be required to follow certain conditions. If he does not, he will be brought back before the court and tried on the original offence.

Section 717 of the *Criminal Code* establishes the conditions under which alternative measures may be used to deal with persons alleged to have committed an offence.

The BC *Crown Counsel Spouse Assault Policy* provides for the use of alternative measures in low-risk cases and says that risk factors should be carefully considered.

BC Corrections Branch policy on spousal assault

Corrections Branch policy is based on the Ministry of Attorney General's *VAWIR Policy*. However, Corrections Branch policy on alternative measures in VAWIR cases has been adjusted to respond to the new Crown counsel policy on alternative measures in these cases (see below). Corrections Branch policy updates are posted generally yearly, to the intranet only, so victim service workers are advised to ensure that they have the most current policy from year to year.

BC Corrections Branch policy on alternative measures

Community Corrections and Corporate Programs has the responsibility for delivering alternative measures programming. Community Corrections policy sets out the requirements that must be met for alternative measures to be recommended, including safety considerations for victims, that the offence was not serious enough to threaten the "safety or tolerance of the community," and that the accused takes full responsibility for the crime.

policy for BC victim service programs

Policy for victim services is included in the BC *VAWIR Policy*. In addition, victim service programs will be guided by the policies of the agencies or police departments/detachments within which they work. Policy and protocols will guide information sharing, protection of privacy, referral, and coordination with other victim service programs. Victim service contracts direct that programs have protocols with other victim services in their community with respect to keeping victims informed about the progress of the case.

BC Victim Services and Crime Prevention Division *Guidelines on Priority Response Partnerships for Women at High Risk of Violence in Relationships, Cellular Phone Initiative* is available from the Victim Safety Unit.

It is also important to familiarize yourself with your agency/program's policies or guidelines dealing with confidentiality and information management. Most community-based programs use the *Records Management Guidelines* and the *Personal Information Protection Act: An Overview for BC Association's Member Programs (PIPA Overview)*, produced by the BC Association of Specialized Victim Assistance and Counselling Programs. Used together, these two policy documents help ensure compliance with provincial information and privacy legislation and basic ethical requirements. (See also Section 3, *Legislation*, for a discussion of exceptions to confidentiality principles [Section 3.2].)

child protection policy

The Ministry of Children and Family Development now has a specific policy to guide their intervention in cases where both mother and child are at risk: *Best Practice Approaches: Child Protection and Violence Against Women*. Copies of the policy can be obtained by contacting the Ministry's Child Protection Branch.

Refer also to *Developing a Dialogue: A Preliminary Discussion Paper on Child Protection Issues in Cases Involving Violence Against Women and Children* (Ruebsaat, 2000) for a more detailed discussion of approaches to child protection in cases of violence against women in relationships. This is listed in Section 8 under the BC Association of Specialized Victim Assistance and Counselling Programs.

legislation and policy evolves

Legislation and policy on violence against women in relationships continues to evolve. Always ensure that your agency has the most up-to-date version of relevant laws and policies.

services for victims

Services to victims of crime are provided and funded through several government departments as well as through hospitals and community agencies. The Victim Services and Crime Prevention Division of the BC Ministry of Public Safety and Solicitor General provides victim services through the following major programs.

victim service programs

Victim Services and Crime Prevention Division funds a network of over 150 victim service programs across the province to ensure that victims have access to the services they need. These programs provide emotional support, information, practical assistance, accompaniment, and referral to victims of crime.

Community-based victim service programs address the unique needs of victims of family and sexual violence, including victims of violence against women in relationships, victims of sexual assault, child and youth victims of violence, and male survivors of sexual abuse. There are also community-based victim service programs that have been designed to respond to the needs of Aboriginal peoples, victims from other culturally diverse communities, and male victims of sexual abuse. In communities with a population of 20,000 or more, the community-based programs are the primary service provider for victims of violence in relationships.

Police-based victim service programs serve victims of all types of crime and also assist the police and community in situations where there are multiple injuries and deaths. In communities where the population is under 20,000, police-based programs provide services to victims of violence within relationships.

Victim Services and Crime Prevention Division also funds two provincial associations: Police Victim Services of BC and the BC Association of Specialized Victim Assistance and Counselling Programs (BCASVACP). Both associations work closely with the division to address the issues and concerns identified by the staff and volunteers of victim service programs.

VictimLINK

VictimLINK (1-800-563-0808) is a 24-hour, toll-free, multilingual province-wide telephone service that provides support and information to all victims of crime. VictimLINK provides information and referral services to all victims and immediate crisis support to victims of family and sexual violence. It also provides information to victims about the status of their protection orders. VictimLINK does follow-up on selected files, with the victim's consent, to determine whether victims accessed and were appropriately served by the organizations to which they were referred.

victim safety unit

The Victim Safety Unit in Victim Services and Crime Prevention Division provides a coordinated and enhanced response to high-risk victims. The mandate of the Victim Safety Unit is to promote victim safety by:

- Working with local victim service programs to ensure that victims are aware of and have access to services for their safety
- Representing victims' perspectives and concerns at the provincial High Risk Offenders Community Notification Advisory Program (HRO-CNAP) committee
- Administering the Priority Response Partnership – Cell Phone/Home Alarm Program
- Administering the Victim Travel Fund to provide funds for victim travel for justice-related proceedings in BC
- Notifying protected parties (victims of criminal offences and civil restraining order–protected parties) regarding provincial custody status of their offenders
- Working with the BC Vital Statistics Agency and the Vancouver Police Department's Provincial Protective Measures Unit to provide assistance when there are requests for confidential name change
- Providing funds for independent legal services to victims of crime who are subject to disclosure applications, particularly in relation to sexual offences

For purposes of victim notification, the Victim Safety Unit staff attempt to locate and contact:

- Victims of personal offences and/or restraining order–protected parties whose offenders are being released from provincial or federal custody
- Previous victims of designated (by the HRO-CNAP committee) High Risk Offenders being released from custody

In cases where the victim is still considered to be at an extremely high risk after all possible protective measures have been taken, and a name change and/or relocation is being considered, the unit will refer the case to the Vancouver Police Department's Provincial Protective Measures Unit.

protection order registry (POR)

The Protection Order Registry (POR) was first established as an initiative under the VAWIR policy. It was designed to enable police to access information on registered protection orders 24 hours a day, seven days a week through a dedicated 1-800 number. Originally only civil restraining orders and criminal peace bonds were entered in the registry.

The registry has since expanded to include all orders containing a condition that affords safety and security to a specific (named) person. In addition to peace bonds and civil restraining orders, POR now includes judicial interim release (bail) orders, conditional sentence orders, psychiatric assessment orders, disposition orders, and officer-in-charge releases.

Victims can call 1-800-563-0808 VictimLINK to verify the status of their protection order.

crime victim assistance program

The Crime Victim Assistance Program (CVAP) replaces the Criminal Injury Compensation Program previously administered by the Workers' Compensation Board of BC. The program is governed by the Crime Victim Assistance Act and its regulations.

The program was developed in response to the changing needs of victims, who may require both financial support and various services and supports to aid in their recovery from the physical and psychological effects of their victimization. The benefits offered through CVAP are intended to help victims, their families and some witnesses recover from the effects of violent crime so that they may participate fully and safely in their communities.

CVAP may pay for:

- Counselling
- Replacement or repair of damaged personal property that the victim was wearing during the incident, such as clothing, dentures, prescription glasses, or hearing aids
- Maintenance of a child born as a result of sexual assault
- Income support where a victim is rendered unemployable as a result of the offence

- Expenses relating to medical, surgical, hospital, nursing, and other care or treatment; transportation; medicines, crutches, artificial members, and other rehabilitative measures to victims of crime if these expenditures are not covered by other means
- Loss of support or guidance incurred by dependents as a result of a victim's death
- Funeral expenses, counselling, and related out-of-pocket expenses for immediate family members who survive a victim's death

Victims or victim service programs can contact the CVAP if they have questions about general eligibility and the benefits provided through the program (see Section 8).

services providing enhanced support in life-threatening cases

A number of programs provide enhanced support for women in life-threatening situations. These include:

- Priority response partnerships that provide women with pre-programmed cell phones or alarm systems
- The Provincial Protective Measures Unit of the Vancouver Police Department
- Services supporting a change of name, location, or identity

Priority response partnerships are partnerships among community-based service providers, the private sector, and the provincial government to respond to the priority safety needs of high-risk women who are victims of violence in their relationships by providing cell phones or alarm systems. Priority response partnerships involve:

- Victim-serving organizations
- Transition houses
- ADT Security Services Canada, Inc. or other home security alarms
- Telus Mobility
- Police, 9-1-1 operators, and first responders
- BC government ministries

These partnerships provide the following services:

- Cellular phone program for high-risk women. In partnership with Telus, the provincial government provides cell phones to women at high risk of violence in their relationships. The cell phones are pre-programmed to dial 9-1-1.
- Domestic Violence Emergency Response System (DVERS). The provincial

government works in partnership with ADT Security Services Canada and local police to contribute in-kind support to the DVERS program, to provide alarm systems in the homes of women who are at high risk of relationship violence.

The priority response partnerships ensure that a full safety plan is completed with all women at high risk of violence in their relationships. It maintains monthly contact with the women in the cellular phone program.

For more information about these programs, contact the Victim Safety Unit (see Section 8).

The Provincial Protective Measures Unit (PPMU) of the Vancouver Police Department was established by the Domestic Violence and Criminal Harassment Unit of the VPD in partnership with the Ministry of Public Safety and Solicitor General. It provides provincial support to victims, victim service workers, and police in life-threatening cases of spousal abuse. The unit has a dedicated police officer and victim service worker, funded by Victim Services and Crime Prevention Division of the Ministry.

Services supporting a change of name, location, or identity are provided at the federal and provincial levels. The federal government has developed a process for confidential change of identity for women in life-threatening situations. The process is called New Identities for Victims of Abuse (NIVA). In BC, the PPMU is the main coordinator for NIVA. The PPMU provides liaison with the Federal NIVA Program in Ottawa and the BC Vital Statistics Confidential Name Change Process, and provides confidential support with victim relocation. The BC Vital Statistics Agency of the Ministry of Health is responsible for managing the Confidential Name Change Process. Vital Statistics is responsible for assessing, processing, and restricting access to information on new documentation.

safe shelters

There are transition houses throughout BC that offer emergency shelter, generally for up to 30 days, for women and their children who are victims of violence or at risk of violence and who must leave their homes. Safe homes, usually private homes that offer shelter to abused or at-risk women and their children, exist in many communities where there are no transition houses. There is also a small number of second-stage houses where women and their children can generally stay up to six months while they are looking for permanent housing. In order to maintain safety for women and their children, the locations of transition houses, safe homes, and second-stage housing is kept confidential. Victim services or the police can make referrals or ensure women's safe transport to these shelters. Many transition houses also provide outreach, counselling, and Children Who Witness Abuse programs.

section

stopping the violence counsellors

There are 80 Stopping the Violence Counselling Programs in BC. These programs provide counselling and support (including information, referrals, and, in some cases, system liaison services) for women who have experienced violence in relationships, sexual assault, and/or childhood abuse. These programs may be housed in transition houses, other women-serving agencies, multicultural agencies, or multi-service agencies.

services for children and their mothers

It is important to be familiar with services for children of women who are victims of violence in their relationships. These include Children Who Witness Abuse programs, child protection services, parenting programs, family places, mental health programs, and school-based child support programs. While any situation where children are in need of protection must be reported to the child protection ministry, it is important to also be aware that wherever possible and appropriate, protecting the mother and the children together as a unit is the preferable option where it is safe to do so (see also child protection legislation and policy in Section 3 *Legislation* [Section 3.2] and *Policy* [Section 3.11]).

other services for women who are victims of violence

There are many other services for victims of violence in relationships that may not be specifically referred to as victim services. It is important that you not only know about these services and what they do but also develop working relationships with them, in order to assist women in accessing them.

These services include women's centres; health services; services for Aboriginal women, such as friendship centres or Aboriginal health programs; services for immigrant and refugee women, including translation and interpretation services; services specifically for lesbians or trans people; services for people with disabilities; and services for male survivors.

community coordination

The *VAWIR Policy* states that a coordinated approach is the most effective way to address victims' needs for safety and security and the needs of an efficient criminal justice system. A coordinated approach involves all relevant players working together to ensure that a woman's needs are met in the most effective way possible. Coordinating committees usually include representatives of the criminal justice system, frontline women's groups, and social and health services, and may also include people from the school district, other government departments (such as employment assistance workers), churches, band councils, and diverse community groups.

Research completed in 2002 by Mary Russell for then Victim Services Division on *Measures of Empowerment for Women Who Are Victims of Violence and Who Use the Justice System* identifies an integrated approach as one of the underlying components of an empowering response to women who are victims of violence.

goals of coordination in violence against women cases

Typically, VAWIR coordination initiatives have the following goals:

- To work towards a shared definition of "safety" for assaulted women in the community
- To facilitate an effective, sensitive, consistent, and coordinated response that meets the needs of women who are victims of violence
- To change or recommend changes to structures, systems, procedures, and practice to reflect this shared definition of safety
- To ensure that all policies, procedures, and practices are developed through this lens of safety

benefits of community coordination

Community coordination has many benefits, for women's safety as well as for the health of the system, the workers, and the community. A well-functioning, coordinated approach to violence against women:

- Addresses a range of women's needs, dealing with women as whole persons rather than as clients with separate and distinct justice, health, social service, or educational needs
- Helps ensure that women's needs do not "fall through the cracks"
- Helps reduce duplication of service, thereby increasing the efficiency of the response system
- Identifies key players in the community's safety/anti-violence network
- Acknowledges the existing work in a community and brings players together, thus breaking isolation and providing support to workers
- Has the potential to help players analyze and improve their practice from the point of view of women's safety, including:
  - Broadening their definition of "safety" beyond a narrow professional definition to include a perspective based on the realities of women's lives
  - Developing "best practices" that include new processes, agreements, or protocols for more consistent and supportive responses to assaulted women and increased offender accountability
  - Analyzing and improving (or making recommendations for improvement of) systemic processes such as information management, policy implementation, and crisis response

- Empowers members of a professional community to make substantive changes that will make a difference to assaulted women in their community and, in many cases, in the province
- Connects work to end violence against women province-wide and provides the potential for a unified voice regarding issues affecting assaulted women everywhere

written coordination procedures

A key to successful coordination is the development of written protocols. A protocol is a formal agreement that documents all procedures for providing a service and is signed by all relevant agencies.

A written protocol:

- Provides an agreed-upon and consistent, coordinated process that will be used by agencies when responding to cases
- Ensures that victims receive all possible information and assistance from those agencies best equipped to meet their needs
- Identifies and reduces gaps in and duplication of services to victims
- Improves inter-agency relations, which in turn enhances the referral process and provides higher-quality service to victims
- Ensures that all participating organizations are aware of one another's mandates and methods of operation
- Provides a more cost-effective and efficient service to victims of crime
- Ensures that the complement of services provided by victim service programs is coordinated in the most efficient and effective manner so as to minimize any confusion for the victim
- Builds confidence and establishes trust between referring community agencies
- Enhances cooperation and accountability between programs
- Provides a structured process to help resolve misunderstandings or problems between participating agencies
- Establishes initiatives and implements strategies that will enhance the delivery of service in the region

examples of coordination in action

There are more than 40 violence against women community coordinating committees in BC. While most of these do not receive core operational funding, some do receive limited one-time grants to undertake specific projects such as research or community forums.

In recent years, two communities in BC, New Westminster and Vancouver, have established specialized police/community domestic violence units to respond to violence against women cases. The primary goals of the units are to increase the safety of women and children and to reduce the harmful impact of violence against women, goals similar to those of violence against women community coordination committees.

barriers to proceeding in the criminal justice system

women's fear of proceeding or lack of readiness to proceed

While all victims want the violence to stop, a complex array of factors may result in a woman being reluctant to testify against her spouse or ex-spouse. These include: fear of the offender; fear of the consequences of leaving, including economic consequences for herself and her children and the social consequences of being ostracized by her family or community; perceived powerlessness and low self-esteem; emotional and material dependence; social, cultural, or spiritual beliefs that support staying in a marriage for better or for worse; repercussions in terms of immigration status; lack of confidence in the justice system's ability to protect her; and fear of child apprehension.

These factors may be particularly marked for Aboriginal women, poor women, refugee or immigrant women, women with disabilities, older women, and lesbians, gay men, and bisexual or trans people.

A woman's fear of proceeding in these cases is considered by experts to constitute a significant risk factor for women. This fear or lack of readiness to proceed is often exacerbated by long delays between the offence and court appearance. This period is one of intense stress for the victim and one in which the victim is particularly vulnerable to coercion by the offender.

Some respondents in the *Measures of Empowerment for Women Who Are Victims of Violence and Who Use the Justice System* study pointed out that if the court case had proceeded quickly after the violent event, they would have been ready and willing to proceed; but long delays allowed their abusive partner to persuade or coerce them into asking for the charges to be dropped (Russell, 2002).

Research also shows that a close working relationship among police, victim services, Crown counsel, and court services is a powerful tool to address victims' fears of proceeding (Bala and Edwards, 1999; Pratt, 2000; Russell, 2002). When victim service workers provide practical and emotional support and information about the justice system and the progress of her case, the likelihood that the woman will feel able to proceed with court processes is increased (Russell, 2002).

KGB statements, named after a case in which such an approach was used, are generally videotaped police statements that are later used in court instead of a woman herself testifying in chief (providing evidence through Crown examination). Such statements make it more difficult for a woman to recant her original statement, although she would still be subject to cross-examination by defence counsel. To date, these statements have rarely been used in BC.

"mutual aggression" and "primary aggressor" analysis

Sometimes the suspect will either tell the attending police officer that "she started it" or raise a defence of mutual aggression ("we were both fighting"). This is called a defence of primary or mutual aggression. While there may be occasions when this is true, it is very important to keep in mind the dynamics of violence against women and the likelihood that if the woman was engaged in violence, she was doing so in self-defence. Victim service workers must be very cautious about accepting this explanation from either the woman or the police officer. Accepting this explanation may reinforce her belief that she is responsible for the violence and may motivate her to withdraw from the proceedings.

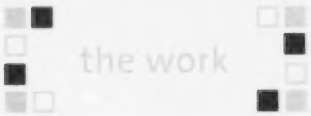
In some cases, both partners have been arrested for violence and mutual peace bonds have been issued or both parties have been charged. If police have been mistaken in making a dual arrest, the woman may need legal advice. Women who are victims may agree to a mutual peace bond because they want to have the protection of having no contact with the batterer. If there is more violence, however, a woman may be reluctant to call police because she now has a record of having been one of the aggressors in the relationship.

In these cases, it is helpful to understand the primary aggressor approach. The primary aggressor is not necessarily the one who "started it." Determining who is the primary aggressor can be a challenge for police and other service providers. Factors to consider include:

- The intent behind the law and policy designed to protect victims of violence in their relationships
- The history of the relationship and patterns of abuse
- Who has suffered the most physical and/or emotional damage and who has received treatment for injuries
- Who has the greater strength and skills for an effective assault

This primary aggressor analysis may also be applicable in same-sex relationships where there is a dynamic of power and control.

Note: *While the BC* VAWIR Policy *does not explicitly direct police to consider a primary aggressor analysis, the RCMP VIR policy does.*



PART 2

Part 2 (Sections 4 to 8) of this handbook deals with the victim service workers' work with women who are victims of violence in their relationships.

Principles of effective woman-centred service	4.2
What victims of violence in relationships need	4.4
The role of the victim service worker	4.5
Values + beliefs of the victim service worker	4.11
Protective strategies, risk assessment + safety planning	4.12
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section

principles of effective woman-centred service

The following principles and priorities from the draft Aid to Safety Assessment and Planning (ASAP) being prepared under the auspices of the BC Institute Against Family Violence form the basis for an effective response to women who are victims of violence in their relationships.[1] The ASAP guidelines incorporate methods and criteria for safety assessment as well as operational protective measures that can be used by victim service workers, justice and health personnel, and others who work with women who are victims of violence.

1. Think victim safety.

Victim safety is at the heart of the justice system.

2. Think victim empowerment.

An empowered victim is one who can do her part to keep herself safe.

3. Treat every victim with respect.

Every victim is unique and has reasons for her choices.

4. Uphold best practices.

Consistent good practice depends on maintenance of effective policies, protocols, and procedures for all systems, both individually and together.

5. Keep victims informed.

Knowledge is power. An informed victim feels respected as part of the process.

6. Support the victim throughout the process.

A well-supported victim is a victim who is empowered to continue working with the criminal justice system.

footnote 1

[1] This list is from the 2004 draft *Aid to Safety Assessment and Planning* and is listed here with permission.

7. Expedite the case.

Delays increase the chances that the victim will opt out of the process.

8. Utilize good risk assessment practices.

Risk assessment informs all decisions that affect the victim's safety.

9. Provide treatment options for offenders early in the process.

The best hope for victim safety is an offender who chooses to change his behaviour.

10. Monitor offender compliance.

Monitoring offender behaviour and holding him accountable underlie victim safety.

11. Work together across disciplines.

A coordinated multidisciplinary response empowers victims and is most effective in keeping them safe.

12. Address special needs of victims who face particular barriers.

A victim who cannot access service because of cultural, communication, mobility, age, or other barriers is at especially high risk.

13. Protect the children.

Children's safety and emotional health are impacted whether or not they witness the violence.

14. Use effectively trained staff.

Ongoing training that addresses the dynamics of power-based crime and intervention and coordination strategies facilitates good practice.

15. Maintain transparent monitoring and accountability mechanisms.

Monitoring and accountability engenders public confidence in the system and facilitates ongoing improvement of practice.

what victims of violence in relationships need

section

The empowerment measures research (Russell, 2002) identified four pervasive themes describing what women found to be most empowering. These were an integrated approach, being treated as "deserving" of the best response possible, a proactive response, and a sense that their voices were being heard. Within these four pervasive themes, three empowerment components were consistently important to victims: provision of information, timeliness of responses, and being treated with respect.

The following list summarizes in greater detail what women who are victims of violence in their relationships need:

- **Safety.** Victim safety is paramount. In cases of power-based crimes, safety planning and ongoing threat assessments of the offender should be undertaken. Safety planning must take into account the realities of each woman's environment.
- **Inclusion in the decision-making process.** Victims' views should be actively solicited and their comments incorporated.
- **Respectful treatment.** Validation of the woman's experience and abilities to cope with her life are crucial aspects of empowering her to keep herself safe.
- **Prompt, accurate, and comprehensible information.** Timely information, presented in easily understood terms, is one of the most basic needs of victims of crime. Women need information about the justice and related systems that they will need to navigate, about the progress of their case through the system, about what to expect both in terms of "normal" reactions to being victimized and in terms of a system response, and about resources they can access to help keep themselves safe and to get on with their lives.
- **Timely response.** Timeliness of police response, the charging and court process, and provision of support services and referrals are all crucial to a woman's safety and her successful use of the justice system.
- **Awareness of range of services.** Workers should be aware of supports in their communities for VAWIR victims and the services they provide.
- **Support throughout the legal process.** Women need emotional and practical support from pre-trial through to post-trial.
- **Advocacy.** A woman may need an advocate if she is not able to access the services she needs or if the system is not working as it should for her.
- **Culturally appropriate services.** Women from different cultural backgrounds need services that are not only accessible in terms of language but also sensitive to various cultural pressures and conflicts.

- **Services that meet their special needs.** Women with disabilities, very young women, older women, lesbians, gay men and trans people, and rural and isolated women all have specific needs that must be addressed. A basic need of all people who have been victimized is sensitivity to their particular circumstances.
- **A sense of security.** As much as is possible and realistic, victims of violence need to have their sense of security restored. Workers need to be aware of community resources that can meet this need, such as women's centres, Stopping the Violence Counselling, self-defence courses and assertiveness training, home security checks and crime prevention programs, and specialized initiatives such as the Domestic Violence Emergency Response System (DVERS) and the cellular phone program for high-risk women.
- **Closure.** It is important to keep the victim informed of the final outcome of the case and to debrief with her on the outcome and the process.
- **Follow-up.** It is important for victim service workers to check in regularly with victims to see how things are going, to let them know what is happening with the offender, and if, when, and under what conditions the offender is being released.

the role of the victim service worker

Victim service workers, in collaboration with justice partners and community agencies throughout the province, ensure the provision of support services to women who are victims of violence in their relationships. Victim service workers provide this support to women throughout their involvement with the criminal justice system.

Where they exist, community-based victim assistance programs are the primary service provider in VAWIR cases.

In VAWIR cases, victim service workers:

- Keep victims informed about the criminal justice process
- Provide emotional support and practical assistance throughout the process
- Assist with the development of safety plans
- Prepare victims for the court experience
- Assist victims with victim impact statements
- Provide accompaniment to appointments and to court wherever possible and appropriate
- Wherever possible, provide additional assistance to victims who require transportation or childcare or who have special needs

- Provide information and referral regarding custody and access, maintenance, or other family law matters
- Communicate and liaise with other community-based and system-based service providers, as necessary and appropriate
- Refer women to other services that may help them to move through the justice system, to address any special needs that victim service workers are not able to assist with, to deal with the violence in their relationships, or to address the needs of their children

Violence in intimate relationships is an under-reported crime and victims may need support and information in order to go to police.

A primary goal of victim service work is to facilitate the woman's empowerment so that she can keep herself safe and move on with her life. Victim service workers must also keep in mind that their actions should never jeopardize the safety of the victim or violate confidentiality requirements. A basic principle of all work with women who are victims of violence in their relationships is to "do no harm."

appreciating a woman's realities

It is important that you are realistic about your expectations for the women you work with and what you can accomplish as a victim service worker. You are there to assist and support the assaulted woman, but it is her life and she must make the decisions and take the steps that will change it. You will not be doing a woman who is a victim of violence any favours if you push her or raise her expectations too high. Furthermore, being unrealistic about what you can achieve can result in feelings of discouragement and disempowerment on your part.

Working on your own, in isolation from other service providers and justice system personnel, will further limit what you can achieve in terms of supporting, informing, and protecting women. You will achieve more by working in close cooperation with others who are playing a role or could be playing a role in responding to violence against women cases.

The following guidelines may help you to be realistic and effective in helping an assaulted woman to help herself:

- Set realistic expectations for yourself. A crucial component of feeling that you are making a difference in the lives of abused women is how you define success. Whatever the outcome of a case, if the woman has felt supported in the process and will come back to you or your agency the next time she experiences violence, then you have been successful.

- **Appreciate the woman's position, and respect her timing and pace.** Just phoning the police or making contact with victim services may be an enormous step for someone who has been victimized. Give her positive feedback on the steps she has taken. It is difficult to absorb new information under emotional stress. You may have to explain things several times. Give her information when she needs it. You may feel impatient at what seems to you to be her slow pace. Respect the fact that she is making enormous changes in her life and in how she views herself.
- **Don't overwhelm her with your ability to act or your expertise.** If she has been trapped for years in a situation where her partner has told her what to do, it will not help to do everything for her and make her dependent on you. She needs to see you as competent and confident, but don't put her in a position where her self-esteem is further damaged by comparing herself unfavourably to you. Don't overwhelm her with too much information.
- **Show understanding for how she has coped with her life.** Don't patronize her or judge her. Try to avoid starting statements with "you should." Do not express surprise or horror at what she has put up with. Let her know that you appreciate why she has taken certain actions, such as staying in the relationship because she thought it was better for the children.
- **Help her analyze and understand her own feelings.** Learning skills in self-analysis can help her to make decisions that she believes are best for her. Don't do her thinking for her. Listen actively and with empathy and reflect back to her what you are hearing. Skills in self-analysis are skills that will help her long after she has stopped receiving services from you.
- **Never assume anything.** If you don't understand what is going on or why she is taking a certain decision or action, ask. Never act on her behalf without discussing it with her.
- **Do not underestimate the danger she may be in.** The steps she is taking may be met with increasing hostility by her husband or partner or by his family. The woman is often the best judge of her situation. Do not minimize her fears. In some cases, however, she may minimize the danger she is in. If this happens, try to help her understand the danger of her situation and refer her to police or Crown to reinforce your message.
- **Recognize the woman's realities.** One of the harshest realities is how a shortage of resources makes it difficult for an assaulted woman to break the pattern of violence in her life. There is a shortage of many of the services that could help keep her safe and enable her to get on with her life: transition and low-cost housing; financial assistance; training programs; ESL programs; quality, affordable child care; and support services, particularly services for women with special needs, such as immigrant women or women

with disabilities. These realities make it especially important for you to be aware of and cultivate close working relationships with every service, resource group, agency, and sympathetic professional in your area.

section

validating the seriousness of violence against women in relationships

If a woman has been hurt or threatened by her partner, she is a victim of the crime of assault. You can provide her with the following assurances:

- If somebody hits her or physically hurts her, that is an assault. If that person is her husband or boyfriend or lesbian partner, it is assault just as it would be assault if that person were a stranger to her.
- If somebody, by action or gesture, threatens to hit her or physically hurt her and has the ability to do so, that is also an assault
- She does not have to have a serious physical injury to be considered a victim of assault

Many people who work with women who are victims of violence in their relationships no longer use the term "battering" because it is frequently interpreted (often by the victim herself) as implying that she must endure serious physical damage before she is considered to have been "battered."

safety planning

Your role in assisting a woman in her safety planning is to help the woman identify risks to herself and her children and to present her with some possible strategies or options for reducing or eliminating these risks. It is important to understand that safety is a relative term and that women's lives are complex and variable. A woman's safety needs may change from day to day and from situation to situation.

Initially you are likely to get only a small piece of her story. Over time and after trust has been established, you will get a more complete picture. The woman needs to trust that you are not going to use the information against her or her children or give priority to the aims of the system over her own needs.

It is important to look at risk factors that arise from the offender, as well as risk factors that arise because of the individual woman's personal circumstances, which make accessing services and trusting the system more challenging. Racism, poverty, lack of education, language barriers, mental and physical disabilities, sexual orientation, and geography all place barriers in the way of effective safety planning. Many women from marginalized populations have experienced systemic discrimination as well as mistreatment at the hands of various government systems (for example, child apprehension), which may make them skeptical about your offers of assistance.

information + notification

One of the most important roles a victim service worker can play is to provide a woman with the information she needs or to help others provide her with information. In providing this information, you can make use of a wide range of resource materials listed in Section 8 of this handbook. Women also need to receive some of this information orally, to highlight the points that are most important and most relevant to where they are in the system. When providing this information, it is important not to overload them, but to give them information as they need it, in "chunks" that they can digest. Use straightforward, simple language. Avoid jargon and language that is legalistic or ideological in nature.

The *VAWIR Policy* says that all victim service programs in a community must set in place written protocols. These protocols must ensure that, in liaison with police, Crown counsel, and court services, victim services notify victims of any pertinent facts relating to charges as they proceed through the criminal justice system, from police involvement to court disposition. Information that must be provided to victims covers arrest of an accused, obtaining a peace bond, status of charges, and disposition. Either probation or victim services must advise the victim of any conditions of bail or probation.

In VAWIR cases, it is important to be aware of who is responsible for notifying the victim about the status of the case. At some stages, police or a bail supervisor will notify the victim. At other stages, local protocols dictate who notifies the victim. For example, from first appearance to sentencing, victim services need to rely on local protocols. Under the *Victims of Crime Act*, victims have a right to request notification at any point in the process.

Victim services can provide victims with information about their rights with respect to the *Victims of Crime Act*, the *Crime Victim Assistance Act*, the *Criminal Code*, the Protection Order Registry, and the Victim Safety Unit.

support and assistance throughout the process

Victim services should also provide assistance and support to women to help keep themselves safe. They can also act as a liaison between police or Crown counsel and the victim to help them keep the woman informed and monitor the woman's safety.

Victim service workers should provide support, orientation, and information throughout the court process.

In most violence against women in relationships cases, an important role for victim services will be to assist the woman to prepare her victim impact

statement (VIS). This is a written statement describing the effects of the crime in terms of emotional, physical, psychological, and financial impacts. If a VIS is not completed, note the reasons in the file.

In cases involving a death or very serious injury, the statement will be obtained by means of an interview with Crown counsel rather than through a written statement.

Whenever possible, additional necessary assistance should be given to victims who require transportation or childcare, have special needs, or are fearful of seeing the accused in the courtroom.

Respectful treatment, timely assistance, and provision of information were the three primary components of empowerment for women who are victims of violence that emerged from the measures of empowerment research conducted by Mary Russell (2002).

making effective referrals

Victim service workers should be able to give information or referrals to victims concerning child custody and access, maintenance, counselling services, transition houses, obtaining legal counsel, culturally specific services, services for people with disabilities, or any other assistance or advocacy they may require. See Section 8 for links to the relevant services.

Making effective referrals and helping other service providers in your community to make effective referrals to victim services is a crucial skill for victim service workers. An effective referral means knowing the nature and practical details of the service you are referring to, providing the information to the woman in a variety of ways, offering to proactively make the contact for her or to accompany her to the service, and following up with the woman or the service to make sure that the referral was effective.

values and beliefs of the victim service worker[2]

Even a victim service worker can fall into the trap of blaming the victim, especially if efforts to assist the assaulted woman have not been successful and the worker is feeling frustrated. Assaulted women, like all other people, are not perfect. You may find some of them unlikeable. It may be tempting at times to believe that they are at least partly responsible for the abuse.

If you are going to provide effective assistance and emotional support to assaulted women, you must examine you own values and beliefs. The following list reflects the values and beliefs necessary to intervening with victims of violence in relationships:

- No behaviour of any woman causes or justifies violence. No woman ever deserves to be hit, shoved, kicked, or physically hurt in any way.
- Women do not get pleasure from being physically abused in any way

  Women remain in violent relationships because social institutions teach us that women belong in the home, are less competent than men to succeed in the workforce, should defer to the dominance of their husbands, should be the primary emotional support of the family, and are incomplete without a man
- Different women experience different demands and expectations within their families and their communities. Your ability to provide effective support depends on your understanding of those demands and expectations, and your respect for each woman's experience.
- Many cultures value interdependence and cooperation among family members above independence and self-reliance. You need to be aware of your own attitudes about these values, and not project your particular values as the solution.

footnote 2

[1] Adapted from Pressman, 1984.

protective strategies, risk assessment, and safety planning[1]

Protective strategies are those strategies available to justice system personnel, health care personnel, and other service providers to help protect a woman from further harm. They include:

- Administrative actions, such as recordkeeping and registration of court orders
- Legal actions, such as arresting the accused and facilitating appropriate release conditions
- Practical actions, such as providing cell phones or personal alarms or facilitating the installation of secure locks
- Support and assistance, such as aiding the woman with safety planning or supporting her as she takes actions to remove herself from the violence
- Communication and coordination strategies, such as ensuring that the woman knows when the abuser has been released and the conditions of his release, or making appropriate referrals

Risk assessment is the process of assessing the potential risks to a woman's safety, with her knowledge and consent, based on a thorough examination of her personal situation, the circumstances surrounding the assault, the history of the offence, the history and current circumstances of the offender, and the services and formal and informal supports available to the women. Risk assessment can be done formally or informally, and is almost always an ongoing part of frontline work with women who are victims of violence.

Conducting a formal risk assessment is usually done with the help of guidelines, protocols, or checklists. ASAP (Aid to Safety Assessment and Planning) is a tool for safety assessment and safety planning with women that is being developed by the BC Institute Against Family Violence in partnership with Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General. It is intended to be used in conjunction with the *ASAP Protective Measures for Women's Safety*, which contains strategies available to victim service workers, justice system personnel, those working with custody and access, health care personnel, and other interveners to help protect women before, during, and after the safety assessment process.

footnote 3

[1] This section has been adapted from the draft *ASAP Protective Measures for Women's Safety: an operational framework for interveners*, BC Institute Against Family Violence (2004), with permission

Such documents are to be used as aids, not as substitutes for critical thinking and holistic consideration of each unique case. Before using a specific checklist or protocol, you should ensure that you have adequate training in how to use the tool. Regardless of the form of risk assessment conducted, the information gathered should be re-examined on an ongoing basis. Protective strategies utilized both before and after risk assessment may change over time depending on the results of any risk assessment and the woman's circumstances. You should also be aware that information gathering and sharing may place a woman, her children, or others at risk. Appropriate steps must be taken to protect confidentiality and manage recordkeeping and information sharing to keep women and their children safe.

Safety planning is what a woman who is a victim of violence in her relationship does to keep herself safe. While a woman will often have help from service providers such as victim service workers or transition house workers in developing and implementing her safety plan, the safety plan is something that she does to keep herself safe and that she will be responsible for implementing if and when the need arises. Safety planning is essential for women who are being stalked, assaulted, threatened, or intimidated. Ideally, safety planning should take place on an ongoing basis within a coordinated network of services (see Section 6.2, *Assessing risk and assisting with safety planning*).

redefining success

It can be frustrating for police, Crown counsel, and victim service workers when a woman is reluctant to proceed through the criminal justice process because of her fears or because she is not yet ready to take that step. It helps to redefine what "success" is in this context. Success may be the woman's positive experience with the police – police responding to the woman with respect and validating her fears – so that she is willing to call the police the next time she is hit. Or, success may be the opportunity to develop a safety plan with a victim service worker, so that the woman knows how to keep herself safer should the violence recur. Or, success may be a meeting with Crown that allows her to see Crown counsel as someone who knows about the dangers of violent relationships and cares about her safety, so that the prospect of going to court may not be so intimidating the next time this happens.

Working closely with police and Crown, and communicating with them about the value of redefining success in these cases, may help you feel more positive about the work you are doing with women who are victims of violence, even when cases do not proceed.

section 5

immediate safety

Crisis intervention 5.2

Police response 5.7

section

This chapter deals with the immediate urgent need for safety for the assaulted woman. You must assess the immediate danger and deal with it in a practical way. Make sure you don't overwhelm her with questions; instead, focus on gathering only the information you need to help keep her safe. At the same time, you need to create a relationship of trust and respect for the assaulted woman so that she will accept your help.

assessing the immediate situation

Your initial contact with a victim of violence within a relationship may occur in a number of different ways. The woman may contact you through a community agency referral. Or she may call in the middle of the night, desperate and afraid.

No matter how she gets in touch with you, your first priority is to make sure that she and her children are physically safe. The following subsections list questions you can use to assess the immediate situation. Always consider the particular circumstances of each woman, including any special needs she may have, such as language or mobility requirements.

is she physically safe right now? are her children safe?

You must find out immediately if the woman and her children are safe. Ask her:

- Where are you calling from?
- Are you safe?
- Where are your children?
- Are they safe?
- Where is the man?

Finding out where the woman is will help you determine the urgency of the situation. If she is at home and her husband is also there, acting in a threatening manner, you need to act right away. Do not hesitate. Get her name and address and phone the police immediately! Tell the police if the woman needs an interpreter. Some police departments may have bilingual officers who can attend.

Ask the police to contact you after they have answered the call. They may help the woman leave the home; they may arrest the man; they may decide that the situation is no longer immediately dangerous and leave the man and woman together. You need to know in order to follow up.

what danger is the abuser to her right now?

You must determine whether the woman is in danger, even if the man is not present. Ask her:

- Has he threatened you?
- What threats did he make?
- Has he made threats before?
- Has he ever carried out his threats?
- Was he violent this time?
- What did he do? Kick? Hit? Shove? Choke?
- Did he use objects or weapons?
- Has he been violent in the past?
- Does he have a gun?
- Do you know where the gun is?
- Do you know where your husband is now?
- Do you know when he will come home?
- If you are not at home, does he know where you are?

does she need medical attention?

You should find out whether she needs medical attention. Ask her:

- When did the assault occur? Do you have any injuries (bruises, cuts, aches, cracked or broken limbs, headaches, dizziness, blurred vision)?
- Have you had any medical attention yet?
- Do you need an ambulance?

It is important not to minimize the assault. No one should accept being beaten. It is not the woman's shameful secret – it is something terrible that has been done to her, something she does not have to accept.

Encourage her to go to the emergency ward or a doctor, even if she says that the injuries are slight. There could be internal injuries. Also, the doctor can document the assault for evidence in a legal action. Offer to go with her. If she is reluctant to go to her family doctor, you should contact another doctor who will deal with her in a sympathetic manner and who speaks her language.

The woman may attempt to minimize the danger, her fear, or past abuse. But

she has made a call for help and you must assume that danger exists, if not at this moment, then at some time in the future.

section

Determining the level of danger will help you and the woman put together a plan of action. It is one thing if the husband is at work and not expected home for a few hours, and quite another if he has just gone out for cigarettes and will be back in a few minutes.

The questions about frequency will also help you discover a pattern in the violence and give you more information on how much time you have.

are the children being taken care of?

You must make certain that the children are being cared for. The woman may have had to flee the house with or without them. Ask her:

- Where are the children?
- Were they injured?
- How many are there?
- What ages are they?
- Are they safe where they are?

It is best for the woman to take the children with her if she leaves the home. If she was not able to do so, she should try to return for them as soon as possible. She must think of her own safety when doing so, however. She should have someone, such as a friend or transition house worker or support worker, and a police officer, accompany her. Give the police sufficient time to make sure that they will be able to come with her. The police can ensure the woman's safety, but they cannot demand that the husband or boyfriend give the children to her if he is their father.

If the husband or boyfriend refuses to let the woman take the children, or if he has a custody order, the woman should get legal advice immediately. (See Section 8 for contact information on how to get legal advice and legal aid.)

If a woman is fearful for the safety of her children, she should call the nearest child protection office or the police.

The BC VAWW Policy states:

> *When children are within the family home or have witnessed an offence, they must be dealt with in a sensitive manner because of the traumatic effect violence in the home has been proven to have on children.*

does she need emergency housing?

You will have to find out if the woman needs a safe place to live temporarily. Ask her:

- Are you in danger if you stay in your own home?
- Could you stay with friends or family?
- Would that be safe for you and them?
- What would be a good situation for you?
- Do you know what a shelter or transition house is?
- Would you consider staying in such a place temporarily while you sort out what to do?

It may not be safe for the woman to stay in the family home even if the man has been ordered to leave. He may return. If it is an extended family, other family members may side with the husband and threaten or abuse the woman.

Staying with a neighbour, friend, or family member may not be safe if the husband (or another family member) comes looking for her. It may also be unsafe for those she is staying with. Or the family member she is staying with may side with the husband and pressure the woman to return.

would she go to a transition house?

Transition houses provide 24-hour service. They will house women and children who are in danger for up to one month. There is no charge. Counselling and resource information are available at the houses. The addresses of transition houses are kept confidential.

Transition house workers recognize that a woman can feel very lonely at a transition house, especially if her first language is not English or she does not share the same background and experiences as the other women at the house. But the workers make efforts to meet women's special needs. Be sure you are familiar with the services that the local transition house can provide, including interpreters.

Transition house workers will provide telephone counselling for women who are not ready to leave their home situation but who need someone to talk to. In communities where there is no transition house, there may be access to emergency shelter and safe houses through the police, the YWCA, a women's centre, or some other group. It is important that you are aware of the houses and shelters in your area and that you maintain a relationship of mutual trust with the staff. You need to maintain your own up-to-date list of transition houses and shelters.

what resources does she need at the moment?

Try to determine the practical resources the woman has at her disposal at that moment. The woman might be calling from a payphone and be dressed only in her nightgown. She may be safe at a neighbour's but have no money or transportation. She may be faced with language problems and have difficulty making people understand what is happening. Or she may have mobility issues and have difficulty getting around. Ask her:

- Do you have a car?
- Is there anyone there who can drive you to the hospital or doctor?
- Do you have any money or credit cards?
- Do you have access to a personal or joint bank account?
- If she is not comfortable speaking in English: Do you have someone who can translate for you?
- What else do you need right now?

Emergency financial aid is available through the social service ministry.

The police officer will assist the victim by arranging safe transportation to a transition home or other safe shelter, when requested. Where resources exist, crisis teams involving social services professionals should be relied upon for support.

establishing trust and respect

To create a relationship of trust and respect with the assaulted women, there are a number of things you can do:

- Assure her that you believe what she is telling you
- Let her know that she is not alone, that she is not the only woman this happens to, and that there are people who will help her
- Inspire confidence. Make her feel that you have the experience and resources to find help for her. Start the process of turning despair into hope.
- Validate her feelings and experience. Don't help her minimize what has been done to her.
- Be trustworthy, follow through on what you say you will do, and do it in a timely manner
- Validate her specific cultural experience. Let her know that you recognize it is difficult for her to seek help, especially if her culture places great value on the privacy of family life.

- Help her to focus her energies. She may be overwhelmed and tend to ramble or have difficulty thinking clearly. Help her mobilize her inner resources to deal with the immediate crisis.
- Keep your message clear and simple – safety for her and her children and reassurance that help is possible. This is not the time for philosophical discussions.
- Remember, your role is to help her figure out what she needs to do, to help her become empowered to make her own decisions, not to push her in any way
- Stay calm. Even if you think her situation is horrendous, don't show it. She needs to believe in your strength and your assurance that a solution is possible.
- Listen carefully. Remember that every situation is unique. Don't assume you know what is going on or that you understand the dynamics involved.
- Be very careful. Sometimes you may be the one who is initiating the call because you have been given her name and number by some referral source. You do not want to increase the danger for woman. Do not leave a message for her. Have a plan in place for what you will do if a man answers the phone. Believe her if she says she can't talk to you. Do not abandon her, but find a safe way to contact her.

police response

Police should always be called if the woman is in immediate danger. The police response is guided by the BC VAWIR policy. It directs that all [illegible] calls must be given priority. It emphasizes that a proactive approach to arrest and investigation may prevent further assault by the abuser. The policy stresses that the police may be the only chance for effective intervention in cases where cultural values make seeking assistance to stop the violence difficult or impossible.

Police should make an immediate referral to victim services. If there is a specialized victim service program, the victim should be informed of the services this program can provide and her permission should be sought to make the referral proactively.

how the police can help

When the police come, the woman should tell them if she thinks she will be assaulted or threatened again. If the police arrest the man, she can ask that he be released only on condition that he does not contact her or her children. Encourage the woman to ask for a no-contact order right away if she wants one.

A no-contact condition can be part of an order made by the police if the accused is released from police custody, or can be requested by police if he is held for a bail hearing in court.

section

Ask the woman whether she wants a no-contact order to be part of the bail terms. If she does, tell the police as soon as possible, before the bail hearing. The woman may be reluctant to ask the police directly. She may, for example, be afraid that the police will tell the accused. The accused can be restricted from direct and indirect contact or communication and be told not to go to the victim's home, work, or school. Children may also be included in the order if they were part of the incident.

Sometimes, even if the woman does not want no-contact conditions, the police or courts will impose them anyway, for her and her children's protection. Protective orders are usually in place until court proceedings are completed, although the courts can consider varying orders if circumstances demand. The woman should be referred to Crown counsel to discuss any changes to her situation that would require an application to change the order.

The legislation within the *Criminal Code* that authorizes the police to release an accused on a Promise to Appear/Undertaking to Appear (PTA/UTA) gives very specific wording for eight standard conditions and gives the police the option of imposing further conditions as they see fit. The condition regarding contact is written in the *Criminal Code* as "no communicating directly or indirectly." It is also printed on the undertaking forms that police issue. The courts, however, can use any wording they like and thus the standard wording used is "no contact." It is argued by some that "contact" is a more comprehensive term than "communication" because it covers behaviours such as sending gifts, harassment, standing beside the person without talking to them, etc.

In 2005, new guidelines on police release on a promise to appear in VAWIR cases were issued by Police Services Division, Ministry of Public Safety and Solicitor General. The intent of the procedural guidelines is to help ensure that consistent and effective risk assessment is undertaken and that appropriate release conditions are imposed in VAWIR cases. The guidelines cover risk assessment, documentation, victim notification, referral to victim services, and cancellation of PTA/UTA.

section 6

ongoing safety + security

Assessing risk + assisting with safety planning	6.2
Safety through protection orders	6.4
Enhanced support in life-threatening cases	6.11
Other justice system strategies	6.13
Children's needs	6.15
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Two important features make violence against women in relationships different from other crimes:

- The victim has or has had an intimate relationship with the alleged offender
- The likelihood of repeat violence is high

Because of these features, it is important to assist the woman to assess and manage her risk on an ongoing basis and to develop a safety plan and keep it up-to-date.

It is important for victim service workers to acknowledge that even in the absence of a formal safety plan developed with a worker, an abused woman is constantly using her own strategies to keep herself and her children safe. Safety plans look at the risk factors in the context of the ongoing abusive relationship. Plans are not based on isolated incidents and are not static. Safety planning is an ongoing process. Safety plans cannot provide absolute safety but they can help reduce danger.

While it is important that one service provider take the lead in assisting the woman to develop and maintain a safety plan, it is also important that all those working with her and her children assist them with safety planning on an ongoing basis by checking in with them about their safety planning process whenever the issue becomes relevant. The ASAP safety assessment and planning tool and the companion document, *ASAP Protective Measures for Women's Safety*, will be helpful tools for this process.

To be effective, safety plans must be based on the realities of the woman's own life. They must also focus on helping her become empowered to keep herself safe.

overview of factors to consider when developing safety plans

The following factors need to be considered when working with a woman on developing her safety plan:

- Her values and beliefs regarding her independence and right to have unrestricted movement
- Her level of willingness to reside in a safe place such as a shelter or transition house
- Her past experiences with the justice system and other service providers

- Her first language and country of origin
- Her legal status
- Her physical health
- Any substance misuse or mental health issues
- Her access to supports within and outside her extended family
- Knowledge of any other potential risks, such as cyber-stalking or the abuser accessing confidential information through credit card activity or through organizations or agencies unfamiliar with issues related to violence against women

risk factors

There are various conditions associated with decreased safety for an abused woman, including:

- Escalating violence on the part of the abuser
- Transition points in the woman's life, such as seeking a divorce or custody of the children or starting a new relationship
- The abuser's access to the woman and her children
- The woman's restricted freedom and activities
- Lack of community support for the woman
- The woman's inability or unwillingness to disclose the abuse
- The woman's fear or lack of readiness to take legal action against the abuser

Any factor that increases the probability of these conditions occurring is a risk factor.

basic safety plan checklist

The following is a list of items that should be gathered and stored in a safe place, as well as plans a woman should have in place in case she is faced with an emergency where she has to leave her home quickly:

- Emergency phone numbers
- Emergency money
- Extra clothing, personal items
- Medication
- Driver's licence

- Chequebooks and credit cards
- Bank book and recent statements
- MSP numbers for self and children
- Social insurance numbers for self and children
- Birth certificates for self and children
- Original marriage certificate or record of common-law relationship
- Custody orders for children
- Any current protection orders for self or children
- Immigrant papers for self and children
- Passports for self and children
- Recent income tax returns
- Lease, rental agreement, or house deed
- House, car, and safety deposit box keys
- Recent photo of offender
- Secure locks on all doors and windows
- A personal alarm or cell phone pre-programmed with the emergency police number
- Safe place to stay in the event of an emergency
- Escape route planned from the house

safety through protection orders

There are many different kinds of orders and protective conditions that can help keep a woman safe. The information on protection orders is complex and can be confusing to women who are victims of violence in their relationships. You can make use of the booklet *For Your Protection: Peace Bonds and Restraining Orders* (see Section 8). Provide as much detail as she needs to know to keep herself safe, but keep it as simple as possible to avoid overwhelming her with complicated details.

if the man was arrested

If the man was arrested, help the woman find out whether he was released and whether there are protective conditions. He may have been released from police custody on a Promise to Appear (PTA) and an Undertaking Given to a Peace Officer or an Officer in Charge. If the woman is named in the no-communicating condition, she has a right to a copy of the accused's undertaking and can obtain this from the police. She can also ask the police when his first court appearance will be.

If he was arrested and held for a bail hearing in court, then he is usually released and placed on a bail order or court undertaking with restrictive conditions. For example, he may be ordered not to consume alcohol or non-prescription drugs, not to leave the city or province, or not to move without obtaining permission from the bail supervisor. These conditions may in the long run help protect victims, but they may be put in place simply to ensure that the accused is available for court appearances.

In more serious cases, there may be a requirement for the accused to have someone sign that he will abide by the release conditions, or put up cash or surety as part of his bail. Bail conditions usually include having no contact directly or indirectly with the victim and not going to her residence or other locations such as work or school. He may also be ordered to report to a bail supervisor and to abstain from using drugs or alcohol. The victim may be provided a copy of the order through the mail from the bail supervisor or can obtain a copy personally from the court registry or the Crown counsel. If the accused is at high risk to re-offend or has a lengthy criminal record, or if the assault was of a very serious nature, the accused may be held or remanded in custody.

You may need to help the victim obtain a copy of the protective conditions from the police or court registry. The woman should be informed that if her partner or ex-partner does not abide by the conditions, it is considered a breach and should be reported to the police, or she may contact the bail supervisor. If the situation is an emergency, the victim should call the police emergency number. It may take several incidents before the police are able to arrest the man, so the victim should be encouraged to continue to report all forms of contact. It is best if she writes out a brief statement to the police so as to have a written record of her complaint, rather than just calling the officer. It is very important that the victim understand the importance of keeping clear records of contact, including the date, time, location, witnesses, and an account of what happened.

You may also need to provide information regarding peace bonds, restraining orders, and other legal options. Refer to Section 8 for additional resources. Your job is to provide information and moral support. The woman will need to know what kind of information is required and where to go to get assistance.

using protection orders

Protection orders are made by a judge in court to help protect one person from another. Although no legal order can fully prevent violence, victims of violence within relationships can take advantage of all the protection the law offers. Vigorous and coordinated enforcement of both civil and criminal protection orders has been shown to enhance safety for victims of violence within relationships (Russell, 2002).

Conditions contained in a protection order may include:

- Keeping the peace and being of good behaviour
- Reporting regularly to a bail supervisor or probation officer
- Having no direct or indirect communication with the victim, the victim's children, or extended family
- Not attending the family home or the victim's place of work
- Surrendering weapons permits or certificates; not possessing weapons
- Not using alcohol or drugs
- Remaining within the jurisdiction and surrendering passport

An order whose only condition is to be of good behaviour and keep the peace or to protect non-personal property is not generally described as a protection order.

The woman may wish to keep a copy of the order with her and give copies to the children's caregivers if the children are included in the order. That way, she or the caregivers can contact the police immediately if the defendant disobeys the order.

Two kinds of protection orders are peace bonds and restraining orders.

what is a peace bond?

Under s. 810 of the *Criminal Code*, persons may apply for a peace bond if they have reasonable fear that someone will cause injury to them, their spouse and/or their child, or that they will damage their property. A peace bond may also be called a recognizance.

A peace bond is an order made by a judge. It contains terms to ensure the good conduct of the defendant (the person against whom the bond is made). It may include terms requiring the defendant not to contact the woman or go to her home or work.

how do you apply for a peace bond?

To start the process of getting a peace bond, the woman must go to the police and give a written statement explaining the history of abuse and why she feels fearful of her ex-partner. The police will investigate the complaint and prepare a report for Crown counsel. If Crown counsel, after reviewing the evidence, is satisfied that the application is justified, they will prepare a formal court document called an information. This document briefly notes that the woman has a reasonable fear of injury from the defendant based on incidents that happened on specific dates, in a particular municipality or city. The information is then "sworn" by a police officer in front of a justice of the peace. (The woman

is no longer required to swear the information herself.) The Crown counsel will usually request that the justice of the peace issue a warrant for the arrest of the defendant so that interim protective conditions can be imposed. If for some reason that is not possible, the justice of the peace will issue a summons that will be served on the defendant, telling him when he must attend court.

If the reason for the application is a threat or an assault, it is possible that the Crown will decide to lay criminal charges instead of simply proceeding with the peace bond application. Once the police become involved, the *VAWIR policy* directs that charges will be recommended and laid wherever there are legal grounds to do so.

what is the court process for getting an order?

If the defendant is arrested, the police or courts will usually impose release conditions on a bail order or undertaking. The defendant will be given a court date for his initial appearance. At his first appearance, he will be provided with information on the Crown's case and be informed about his right to contact a lawyer. He can agree to enter into the peace bond, ask for more time to consider his decision, or request a hearing date to challenge the allegations.

If he admits that the woman has reasonable grounds to fear him and agrees to enter into the peace bond, the judge will order him to follow conditions that will protect the woman and possibly her children or property. A peace bond will often contain conditions similar to those in a bail order.

If he denies that the woman has grounds for fear, a hearing date will be set. On the hearing date, if the judge decides that the woman has reasonable grounds to fear for her safety, the defendant will be ordered to enter into the peace bond and to follow the protective conditions imposed by the judge. (See Section 7 for details about the court process itself.)

what are the consequences for the accused?

The accused does not get a criminal record if he enters into a peace bond. Although the proceedings are in a criminal court, a peace bond is not a criminal charge. If, however, the man disobeys any of the conditions on the peace bond, he may be charged and convicted of a criminal offence: a breach of a peace bond. This charge, s. 811 of the *Criminal Code*, would proceed in the same manner as any other type of summary offence with a maximum penalty of $2,000, six months in jail, or both. Although the peace bond is associated with a dollar amount, the bond is not usually enforced through forfeiture.

The police will be able to confirm the conditions of the order through their Canada-wide information system (the Canadian Police Information Centre, or CPIC) and the Protection Order Registry.

how long does the peace bond last?

The judge can order the defendant into the peace bond for a maximum of 12 months. The woman should get a copy of the order at the court registry and note the expiry date.

section

restraining orders

If a woman fears for her safety and that of her children, she can apply for a restraining order in Family Court or Supreme Court under the *Family Relations Act*. This is a civil procedure, unlike a peace bond, which is obtained through the police and the criminal court. Although it is possible for the woman to fill out the forms and represent herself in Family Court, it is recommended that the woman consider seeking legal advice, especially if the proceeding is in Supreme Court. The woman may be eligible for assistance through legal aid. An application for a restraining order may be part of other proceedings dealing with custody, support, and divorce. If the woman is not eligible for legal aid, she may need to pay for a lawyer to make the application.

Under this procedure, the woman asks the judge to make an order to stop her ex-partner from harassing or threatening her. She will be required to present examples, either through testimony or affidavit, of incidents that have caused her to need protection from her ex-partner. If the judge makes an order, the man will be restrained from contacting the woman and possibly the children. If the man violates the restraining order, the woman can report the incident to the police. He can be arrested by the police for breaching the restraining order and held for court. Crown counsel can proceed with a breach charge under the *Family Relations Act* on a Family Court order, while the woman's own lawyer would be involved with a Supreme Court order.

other protection orders

There are other kinds of orders that may be relevant to a woman who is the victim of violence in her relationship. These include:

- Bail conditions of release, used when the offender is released on bail by a judge or a justice of the peace, prior to a court date
- Probation orders, used as part of a sentence that includes probation. Probation orders may be imposed for up to three years
- Protective intervention orders contained in child protection legislation. These can be used to prohibit contact between a child and an adult where contact might cause the child to be in need of protection.

While many of the same protective conditions may be attached to these orders as may be attached to other protection orders, some differences exist. As with

any protection order, the strength of these orders to keep women safe depends on their consistent, proactive, and coordinated enforcement.

For more detailed information on protection orders, refer to *Peace Bonds and Other Criminal Protection Orders: Issues for Discussion* (Ruebsaat and Turner, 2001), cited in Section 8.

mutual peace bonds

In some cases, both the batterer and the victim have been arrested for violence and mutual peace bonds have been issued. Women who have been victims of violence in relationships may agree to a mutual peace bond because they want the protection of having no contact with the batterer. However, great caution should be exercised in such a situation of alleged mutual aggression, as faulty analysis of the situation can result in a woman's reluctance to use the justice system in the future and in increased risks to her safety. The *Crown Counsel Spouse Assault Policy*, for example, provides that mutual peace bonds are generally inappropriate and that mutual charges arising from the same incident should generally not be approved.

VAWIR Policy on protection orders

BC's *VAWIR Policy* describes how the police and Crown should respond to reports of breaches of orders. The policy makes the following comments about responsibilities:

- No-contact conditions of bail or probation orders, peace bonds, and civil restraining orders provide the victim with some measure of protection, so it is important that police respond promptly to reported breaches of court orders. Police action should include a recommendation for breach charges when evidence is available.
- In peace bond situations where the danger is immediate, a warrant should be sought
- Crown counsel should rigorously pursue breaches of orders
- Crown counsel should expedite applications for peace bonds, especially when a warrant is requested
- Crown counsel conducting a peace bond application by a woman who is a victim of violence in her relationship should be aware that mutual peace bonds are almost invariably inappropriate.

Protection Order Registry

All kinds of protection orders can be registered on the Protection Order Registry (see *Services for victims*, Section 3.15). If the police are called to an incident at any time of the day or night, they can quickly find out what orders currently exist and obtain a copy with the protective conditions.

To ensure that the registry has the latest order and current information, the woman can call the registry herself through VictimLINK (see Section 8).

reporting a breach

A victim may find it difficult to report a breach of a protective order because:

- She may be harassed or threatened by the abusive partner or his family or friends
- She may lack confidence in the ability of the criminal justice system to protect her
- She may have initiated the contact with the abuser herself and is fearful of the police response to this – worried, for example, that police will charge her with violating the order
- She may not understand that it was an actual breach – not understanding, for example, whether a phone call amounts to contact

If a victim has prior experience of effective enforcement of breaches or is assured that the justice system takes breaches of protection orders seriously and will work together to enforce breaches, she will be more likely to report breaches.

enforcement of protection orders

Effective enforcement of protection orders is critical to a woman's safety and a woman's confidence in the justice system. There is a high degree of risk associated with any breach of a protection order. The victim's awareness and knowledge and a coordinated response are the keys to effective enforcement. Victim services play a central role in providing information and support to the victim about her protection order. As a victim service worker, there are a number of things you may be able to do in working with other justice system personnel to support the victim:

- Provide the victim with a copy of the order or release document
- Explain its terms to her more than once. Specifically, review what terms such as no contact mean.
- Outline the differences between civil and criminal orders
- Explain the purpose of the Protection Order Registry and how she can access it
- Ask her if the terms of the order address her safety needs. Help her develop a safety plan.
- Reinforce that the order is meant to control her partner's behaviour, not hers. However, if she initiates or permits contact with the accused in

contravention of an order, it may make it difficult for the police or other justice system personnel to enforce a breach of the order.

- Explain how to report a breach. Stress the importance of documenting circumstances of the breach in writing if possible. Outline the option of using *57 if the offender is calling her. (Pressing *57 after hanging up from a harassing call stores the caller's information for Telus to pass on to police. For more information see www.telus.com.)
- Outline the procedure that will be followed if she wishes to vary the terms of the order. Explain what will happen if the abuser makes an application to vary the terms.

In some communities, police provide this information. In other communities, victim services or corrections provide it. Be aware of the procedures in your community and be ready to answer the victim's questions about these procedures. Coordination is key to problem solving. An effective way to deal with the complex issues raised by protection orders is through a coordinated case management approach. Such an approach can create a culture of enforcement that greatly increases the chances of timely and effective enforcement responses to breaches.

The measures of empowerment research conducted by Russell (2002) identified a coordinated response to the enforcement of protection orders as an important component of women's safety and empowerment.

enhanced support in life-threatening cases

priority response partnerships

Victim services may identify victims in high-risk situations who may benefit from the use of a pre-programmed cell phone or a home security alarm. In these cases, victim services' role is one of referral to the appropriate program, liaison with those programs to ensure that the woman gets the services she needs, and ongoing support of the woman.

For information about safety planning, screening, protocols, and technological aspects of the pre-programmed phones or home security alarms, contact the Victim Safety Unit (see Section 8.3).

Provincial Protective Measures Unit (PPMU)

Victim services may work with victims in particularly high-risk situations. The PPMU, located in the Domestic Violence Unit of the Vancouver Police Department, can play a key role in coordinating enhanced services to help ensure the safety of such victims. In these cases, victim service workers refer the

victim to the PPMU, but continue to liaise with the PPMU and provide ongoing support to the victim.

For more information about the role of the PPMU and how victim services can work in partnership with the unit to help ensure maximum safety and security for particularly high-risk women, contact the PPMU (see Section 8.2 under Government Services).

change of name, location, and identity

When requests for a confidential name change and/or change of location are made to a local victim service program or transition house, the following steps should be followed:

- Assess the victim's safety plan and those for her children
- Plan for their immediate safety
- Consider and implement other protective measures where possible
- Consult local police and probation offices to assess the inherent risks in each case and to support the victim in keeping herself safe
- Consult the Vancouver Police Department's Provincial Protective Measures Unit to examine risks and to advise/consult on police response to the case
- Inform the victim that the change of name process does not guarantee safety, but, in combination with other protective measures, will assist in distancing her from the offender
- Explain to the victim that change of name forms are available at the local government office
- Assist the victim in completing the application and making sure that all eligibility criteria are met
- Refer the victim to the Victim Safety Unit so that the victim can register for victim notification and obtain a secure mailbox system if necessary

The BC Vital Statistics Agency is the responsibility centre for the Confidential Name Change Process. The agency relies on police reports and/or letters from transition houses and/or victim services to verify that a victim is at extremely high risk and that a name change can enhance her safety.

Victim service workers may encounter women who consider their lives to be in so much danger that they need a complete change of identity. They believe that this is the only way they can keep themselves and their children safe. A change in identity is the last resort. It is considered only when all other protective measures have been exhausted.

Contact the Victim Safety Unit or the PPMU for further information about the

Confidential Name Change Process, about eligibility for the New Identities for Victims of Abuse (NIVA) program, and for support with these cases (see Section 8.3).

other justice system strategies

victim notification

The Victim Safety Unit of the Ministry of Public Safety and Solicitor General operates a victim notification system on the status of offenders. Victims have a legal right to information about changes in the custody status of an offender who has been sentenced to a jail term of less than two years in a provincial correctional centre. If the woman's partner or ex-partner is in a provincial jail, she can file a confidential Contact Information Form to be notified when he is about to be released. Victim notification staff will contact her just before he is released.

Victims and protected parties are encouraged to register with the Victim Safety Unit so that they can be located for notification and can receive support, information, and referral. If the woman wishes to register, you can assist her to download the form from the VSU's website and complete and submit the registration form. Victims can also contact the Victim Safety Unit directly (see Section 8.3).

For offenders who have been sentenced to more than two years, victims can contact the National Parole Board (see Section 8.5).

assistance through the Crime Victim Assistance Program

Applications for assistance from the Crime Victim Assistance Program (CVAP) go to the program. In order to apply for assistance, applicants must meet the following criteria:

- The criminal offence must have occurred after July 1, 1972 (no exceptions)
- The crime must have taken place in BC (regardless of where the victim resides)
- A police report is not required; however, other supporting documentation must be available to support the claim. Victims are still eligible to apply if the accused is never identified or found, if the police report does not result in charges being laid, or if the accused is acquitted.
- Benefits are available only in relation to violent offences as opposed to property offences and must be one of the offences contained in the Regulation.
- If a person is criminally injured while on the job and is eligible for benefits

through WCB or if the injuries arise as a result of the operation of a motor vehicle they will not be eligible for benefits under the Crime Victim Assistance Act.

section

If you physically assist a survivor in filling out a CVAP application, you do not need to indicate this on the form. Only those completing applications on behalf of an applicant in the capacity of a legal guardian or legal representative need to complete section 6 of the form.

Remember not to make any guarantees to the survivor about assistance or length of time to process the claim.

Once the survivor has sent her application to the CVAP, she will receive a letter of acknowledgement. Before the claim can be adjudicated, more information is gathered by CVAP staff based on the information in the application.

Reports to Crown counsel are obtained from the police where the report of the crime was made. Depending on the injuries and losses suffered by the claimant, reports may also be collected from doctors, counsellors, and/or therapists. All of this takes time, but it is in the best interest of the claimant in order to ensure that the adjudicators have sufficient information to make an appropriate decision.

Victims or victim service programs can contact the CVAP if they have questions about general eligibility and the benefits provided through the program.

legal services/legal aid

The Legal Services Society (LSS) is the organization responsible for providing legal aid to eligible persons in BC in both criminal and civil (family law) matters. LSS will provide legal aid for the woman if she is financially eligible and the legal problem is covered by LSS guidelines. The woman will be asked to provide financial information and explain her situation. You should establish contact with lawyers in your area so that you can recommend a lawyer to women who require assistance.

LSS also provides other legal assistance services in the province, including the LawLINE, the Family Law website, Family Law Duty Counsel, and resources for unrepresented litigants (see Section 8.8).

children's needs

It is very important to be sensitive to the needs of children at this time. Ensuring physical safety is the first and most obvious need, but you should also recognize that children will be scared and confused. They will need reassurance that they will continue to be loved and cared for.

During stressful times, children may act out in disturbing ways or they may withdraw. Sometimes the mother is so absorbed in the immediate problem that she is not aware of what the children are going through. You should be sensitive to this and talk to the mother about the children's experiences.

Some of the places where you can find help for the children are family centres, youth centres, mental health offices, transition houses, and Children Who Witness Abuse programs.

The family doctor can make a referral to a psychiatrist, which will be covered by the medical plan. A referral to a psychologist is covered only under extended health care plans. Other counsellors are usually not covered by a health care plan, but may be covered by the Crime Victim Assistance Program.

Staff at schools and childcare centres may be very helpful if they are aware of the situation. They can keep an eye on the children and provide support and encouragement. If there is an issue of custody or access, staff members should be informed if they are not to release the children to the father's care or allow the father access to the children. It is the mother's responsibility to explain this to the staff at the school or childcare centre. Except where a child may be in need of protection or with the mother's permission, you should not pass on confidential information to other professionals. (For more details on information and privacy concerns, see Section 3, Legislation [Section 3.2] and *Policy* [Section 3.11]).

If a child may be in need of protection, you are obliged by law to report to the child protection ministry. Always talk to the woman about your concerns first, explain your legal obligations, and encourage her to report if her children are in need of protection.

It is important that you establish a good working relationship with social workers in child protection so that you have someone you can call if you need to seek help for a woman and her children or you need to make a report. If she is fearful of reporting, you can offer to go with her to see the social worker. If she refuses to report, however, you will have to make the report yourself, and inform the woman that you are doing so.

Understand that this will be very traumatic for the woman, will likely make her fearful of losing her children, and will likely make her angry with you. Ensure that she has appropriate referrals to get help and support for herself as well as for her children. If the woman is Aboriginal or from a diverse culture, try to ensure that she has culturally appropriate support services to help her deal with the particular pressures that she may be subject to from her community or extended family.

See also in Section 8:

- *Best Practices Approaches. Child Protection and Violence Against Women* (Ministry of Children and Family Development, 2004)
- *Developing a Dialogue: A Preliminary Discussion Paper on Child Protection Issues in Cases Involving Violence Against Women and Children* (Ruebsaat, 2000), listed under the BC Association of Specialized Victim Assistance and Counselling Programs

other forms of security

finances and personal belongings

If the woman receives income of any kind she should open a separate account for the money rather than depositing it in a joint account.

If the woman has access to a joint bank account, she has the right to withdraw half the funds. Many women are reluctant to take what they think of as "his money." Assure her that she is entitled to it and that she will need it to support herself and her children.

Advise her that all her bank books and credit cards should be in her possession. If the woman wishes to return to the family home to collect her personal belongings or those of her children, recommend that she contact the police if she thinks her boyfriend or husband might be there. Under police department policy, a police officer will accompany her to keep the peace.

If the woman is staying in a transition house, she and her children can receive a small Comforts Allowance from the human resources ministry if she has no other income. You should know the procedure for applying for these funds so that the woman can begin the process immediately.

The fund is designed to help pay for items such as toiletries and transportation. (There will be a lot of transportation costs as the woman goes to agencies, court hearings, interviews, and so on.)

If the woman is not staying in a transition house and has no other income, she can apply for income assistance. If she is on income assistance or earns a low income, she may be eligible to apply for a childcare subsidy. Again, you should know the procedure and be able to explain it to the woman and assist her if necessary.

The woman may be able to sue her husband or boyfriend for compensation or damages. She may also be eligible for compensation from the Crime Victim Assistance Program.

housing

The woman and her children can stay in a transition house for up to one month. Staff at a transition house will try to help her find suitable housing. There are also a small number of second-stage transition houses in BC, where women and their children can stay for up to six months.

A rent subsidy may be available from the human resources ministry of the provincial government. The woman will need to show a receipt from the landlord. You should know what the subsidy covers, what the woman must do to qualify, and how to apply.

If the man has been arrested or agrees to leave the home, the woman and children may be able to stay in the family home. The woman can also bring a civil action to give her the right to stay in the home with the children. She will usually require legal assistance to do this. If she does not have a lawyer or cannot afford to pay one, the Legal Services Society may be able to assist her if she meets eligibility requirements.

You should keep an up-to-date list of other housing options in your community, such as housing co-ops or other kinds of subsidized housing.

counselling

Breaking out of a long-standing pattern of violence is extremely difficult and emotionally traumatic. Often, the woman will require help in re-establishing her feeling of self-worth. In every community there are agencies and organizations that offer counselling and self-help services. They might include transition houses (where counselling may be available to both residents and non-residents), Stopping the Violence Counselling Programs, women's centres and women's groups, crisis lines, mental health centres, family centres, churches, psychiatrists (who are covered under the provincial medical plan if women are referred by a family doctor), and private psychologists (for women who can afford them).

Sometimes counselling can be funded through the Crime Victim Assistance Program.

It is important to be aware of the counselling resources in your community, including resources for women whose first language is not English. You should be aware of Aboriginal resources, other culturally specific resources, and the

translation and immigrant services in your area. You should also be aware of resources to meet the specific needs of other diverse groups in your community, including women with disabilities, older women, very young women, lesbians and trans people, and gay men.

If you are in an area where there are community services pages at the front of your local telephone directory, some of those services and groups will be listed there.

You need to be aware of ongoing power imbalances in relationships where there has been violence. If the woman you are working with expresses a desire for couples counselling, you may need to ensure that she has a safety plan in place so that she can maintain her options.

providing advocacy

In providing support to the victim, you may also be providing advocacy. Advocacy in this sense means helping the woman deal with a system or agency to get the results she needs. Advocacy is often an essential part of increasing safety for women as it helps to ensure that systems respond to a woman's needs in a timely and effective manner.

Advocacy may take the form of accompanying and supporting a woman as she meets with professionals in the justice or related systems. BC's *VAWIR Policy* states that a victim service worker or advocate may be present for the police interview if the victim wishes.

Other community members may also act as advocates. A friend or relative, a volunteer or staff member at the local women's centre or transition house, or someone from a multicultural or Aboriginal service agency may provide advocacy.

It is important that advocacy be provided as an integral part of building effective collaborative relationships with all components of the justice, health, and social service systems.

assistance through the criminal justice process

section 7

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section ■■ introduction

Like all violence against women in relationships policies across Canada, BC's *Violence Against Women in Relationships Policy* directs criminal justice personnel to treat this violence as a crime.

> *The* Policy *directs the justice system to emphasize the criminality of violence within relationships and to take the necessary measures to ensure the protection of women and children who may be at risk ... A rigorous approach to arrest, charge and prosecution, as promoted by this policy, is necessary to help eliminate violence within relationships.*

Research supports this approach. Early in the eighties, when these policies were first being developed, a study in London, Ontario, found that 62% of the women who proceeded to court reported that the process helped to reduce or terminate the violence (Jaffe, 1999). More recently, research on the empowerment of women found widespread support, both among women themselves and among service providers, for a proactive arrest and charging policy (Russell, 2002).

It has already been demonstrated that women who are victims of violence in their relationships may experience a wide range of personal and social difficulties in making a decision about whether or not to contact the police or proceed through the criminal justice system. In addition to those conflicts and pressures, the complexities of the justice system may seem overwhelming. If a woman faces other barriers (for example if she is an immigrant, does not speak English, or has disabilities), the stresses are even greater.

The assistance and encouragement that you, as a victim service worker, give her can be a major factor in enabling her to deal with the justice system and in bringing these assault cases to prosecution. You can provide:

- Information about the criminal justice system, what is required, where to go, and whom to speak to
- Practical assistance in filling out forms, court orientation, and accompaniment to interviews and to court
- Emotional support
- Referrals to appropriate resources, including transition houses, culturally specific or immigrant-serving agencies, or other specialized services

interpreters

A woman whose first language is not English has the right to an interpreter when dealing with the criminal justice system. As a support worker, you can ask police and Crown counsel to provide interpreters for any interviews she may have with them. Crown counsel should advise Court Services to arrange for an interpreter for the court proceedings.

Be sensitive to the woman's responses to the interpreter. She may feel intimidated about discussing intimate details with a male interpreter. Or she may be intimidated or feel her privacy is being violated if the interpreter is from her community or is a community leader.

Check with the woman first to see whether she wants a female interpreter and let the police and Crown counsel know if she does. Then, before any of the interviews, find out who the interpreter is and let the woman know.

If you do not work in an immigrant-serving agency and you are providing services to women who need interpreters, you should develop and maintain a list of language interpretation services in your community.

Note that interpretation services for the deaf are also provided by Court Services.

if the referral to victim services is not through the police

Find out whether the woman reported the assault to the police and what the police did as a result of the report.

if the police were not involved

If the police were not called to the assault, you should urge the woman to go to the police station as soon as possible, or, if this is not possible, to call the police. You can accompany her to the station. It is a good idea for her to make her report in writing and she may wish to do this before she goes to the police station. She should write out in her own words exactly what happened during the incident and whether there is any history of abuse. It is important for you not to become involved in the writing of the statement but instead to refer her to the officer if there are any questions. The sooner the assault is reported, the better. This will help the police gather the evidence they need to recommend a charge.

if the police were involved

section

Ask the woman what the police response was. Did they arrest the accused? Remove him from the house? Release him with conditions? Recommend a charge? If the woman does not know, you can phone the police and ask whether the attending officer recommended that a charge be laid.

The police section of the *VAWIR Policy* recommends that the responding officer provide the woman with a referral card containing information on legal and social services, the police file number, and the attending officer's name and number and telephone number. If the woman did not receive such a card, help her to contact the police station and ask for the police file number and the name of the officer(s) involved, and find out whether a charge was recommended. If the officer is reluctant to give you case information, you may need to assist the woman in making the inquiry herself.

Initial police response

As the "front end" of the criminal justice system, police are often the first representatives of the justice system that women meet. The way in which they respond may have a far-reaching impact on whether or not a woman decides to proceed through the system. A sympathetic, respectful police response that takes the violence seriously and links closely with other parts of the criminal justice and related systems, including victim services, can provide the validation and support that women in these circumstances need to take action to stop the abuse. Even if the woman decides that she is not yet ready to proceed through the justice process, an effective and empowering police response can be a deciding factor in whether she chooses to use the justice system the next time a violent incident occurs.

The *VAWIR Policy* states that the police need to pursue a proactive arrest and investigation policy in order to stop the violence and protect the woman. It is the responsibility of the police to recommend a charge. The onus is not on the victim to do so.

The *Policy* includes the following guidelines:

- It is the responsibility of the police to make every effort to arrest the suspect if the grounds to do so exist. Police should arrest where there are grounds to believe that an offence has occurred and when it is in the public interest to do so, including when an officer believes that an offence may be repeated.
- Where the assailant has the left the scene before police arrive, the officer must assess the likelihood of his return and must act to protect the victim
- The victim must be notified when the assailant is released from police custody

- If the accused has a history of violence, no-contact provisions should be recommended as a condition of release
- If there is a community-based victim service program, the victim should be informed of the services this program can provide and her permission should be sought to make the referral as soon as possible. Where there is no community-based program, women should be referred to police-based victim service programs.

the police investigation

Regarding police investigations, the *VAWIR Policy* provides the following direction:

- The attending officer will conduct a complete investigation in every case, including those cases that do not immediately appear likely to proceed to prosecution, and will ensure that the victim is provided with the attending officer's name, the case number, and a contact phone number
- Where there are reasonable grounds to believe that an offence took place, the officer will submit a report to Crown counsel recommending a charge, even if no injury occurred. The man's past history of violence must be included in the report to Crown counsel, as well as any comments that the woman makes about fear for her current safety.
- When the assaulted woman's cooperation is in doubt, the police should pursue the investigation with a view to obtaining sufficient evidence to proceed without the victim's testimony
- The police or police-based victim services program should ensure that the woman is kept informed of the progress of the investigation, including whether or not Crown counsel has approved a charge, and the bail status
- Victim service workers or advocates should be present at police interviews with the victim if the victim requests this

Although KGB statements (see Section 3.23, B*arriers to proceeding in the criminal justice system*) are rarely used in BC, attempts are being made to pilot such an approach in VAWIR cases. Such a statement would generally be videotaped and certain procedures would have to be followed in taking the statement to satisfy the KGB requirement that triers of fact (judge or jury) can assess the witness's demeanour.

recommending assault charges

section

There are three levels of assault defined in the *Criminal Code*. The first two levels are the ones you will most likely encounter in cases of assault against women in relationships. For a description of these *Criminal Code* offences, see Section 3.2, *Legislation*.

if the police do not recommend a charge

If the police do not investigate thoroughly or do not recommend a charge where there appear to be grounds for a charge and the woman wants to proceed, you will need to advocate for the woman. You will need to use all the skills you have learned as a victim service worker to advocate on behalf of the woman without losing the respect and confidence of the police. The complexities of this role as a victim's advocate constitute a central component and a particular challenge for victim service workers. This is where your good relationship with the local police is crucial.

Calls about violence in relationships present problems for police officers. The risk factor for attending officers is felt to be high. There may also be a high level of frustration for police officers if the woman decides that she is not yet ready to be a witness against her husband in court. Added to this may be the personal attitudes that a particular officer may bring to the situation.

Police are also sometimes frustrated and discouraged because of the repetitive nature of assault within relationships. If the woman belongs to a culture the officer is not familiar with, the officer may base his or her judgements upon one or more of the attitudes discussed in Section 2 of this handbook. For example, the officer may believe that "violence is part of that culture."

If dialogue with the officer does not improve the situation, you can call the senior police officer and explain why you think the policy on violence against women in relationships should be followed.

If the woman is afraid that she will be assaulted again, she can apply for a peace bond or restraining order. These measures are explained in Section 6, *Safety through protection orders*" (Section 6.4). You should also discuss the situation with the local police and make sure that they are aware that the woman may be in further danger.

laying charges

Prosecutors in British Columbia are known as Crown counsel. They are lawyers employed by government who represent the Crown, that is, society as a whole.

Crown counsel review the police report and all the circumstances of the case in order to decide whether to approve charges and, if so, which charges to approve.

Before charges are approved, Crown counsel must be able to say "yes" to two questions based on the available evidence: is there a substantial likelihood of conviction, and does the public interest require a prosecution? Generally, where offences are not of a serious nature, Crown counsel may refer the case for consideration of alternative measures. In cases of alleged violence in intimate relationships, Crown counsel are required to review recognized risk factors in such cases, and if there appears to be a low risk of future violence, Crown counsel may refer the case for alternative measures. However, the final decision on whether to approve alternative measures requires careful consideration of a probation officer's risk assessment report.

Timely information should be provided to the victim about any charges laid, release conditions, or other developments in the case. Crown counsel are required to have particular regard for the safety of victims and children in making decisions about the case and, if the accused has been released by the police, Crown counsel should review the conditions to ensure that they are adequate to provide protection to the victim. If necessary, Crown counsel may then take steps to have the conditions reviewed and replaced by the court, before or at first appearance.

If there are breaches of court orders, Crown counsel are encouraged to approve charges and also to consider revocation of bail and of conditional sentence orders if breaches of them are alleged. Breach of court orders is considered a risk factor for future violence.

If Crown counsel decide not to lay a charge or if a stay of proceedings becomes necessary, Crown counsel consider whether the safety of a victim or a child can be addressed by an application for a recognizance under s. 810 of the *Criminal Code*. However, mutual recognizances (recognizances binding both the victim and the accused) are generally considered inappropriate.

Crown counsel are aware that reluctance of the victim to participate in the prosecution process, victims' attempts to minimize the severity or deny the existence of the violence, or victims' attempts to have the charges dropped or to remove no-contact or other protective terms from police release or bail orders may be the result of threats or other inappropriate influence by the accused. Crown counsel will not agree to such requests by the victim without investigation or if it appears to Crown counsel that the victim may be at risk if the charges or protective conditions do not remain in place.

Crown counsel have been advised that the involvement of victim services may assist victims to continue through the court process.

section

The police are designated as having the primary responsibility under s. 5 of the *Victims of Crime Act* to provide victims with the information set out in that section, including information about victim services. However, if Crown counsel (or their support staff) become aware that the information has not been offered to the victim, the information will be provided in the standard written format developed by the Ministry of Attorney General.

if charges are not laid

To find out whether charges have been laid, have the woman call the Crown counsel office.

If charges have not yet been laid, try to find out when they will be. If charges are not going to be laid, the victim has a right to meet with Crown counsel to find out why. The *Victims of Crime Act* gives the woman the right to be told the reasons why a decision was made regarding charges. The Crown counsel may have returned the file to police for more information, or may have decided not to proceed at all.

You can assist the woman by helping her set up the appointment, attending the appointment with her, and debriefing her feelings before and after the interview. She may find it helpful to understand that in order to lay charges, the Crown must determine that it is in the public interest to prosecute and that there is a substantial likelihood of conviction. If they do not approve charges, it does not necessarily mean that they think the incident did not happen, but rather that they feel there is not enough evidence to successfully prosecute the case. It is important for the woman to work with the Crown counsel in this process, but if she is not satisfied with the decision, she can contact the Deputy Regional Crown counsel or Regional Crown counsel to discuss her situation.

when a charge is laid

The Crown counsel will review the police report and decide what, if any, charges are appropriate. The *Criminal Code* is divided into three types of offences: summary offences (the least serious), indictable offences (more serious), and mixed or dual offences. The latter are offences for which the Crown can choose which process to follow. In most cases, the Crown will choose to proceed summarily. In those cases, they can charge only for incidents that occurred within the last six months. If the Crown chooses to proceed indictably, then the accused will choose whether the case will be heard in Provincial or Supreme Court and whether the trial will be by judge alone or by judge and jury. Supreme Court trials are usually preceded by preliminary hearings. In general, the Crown

proceeds by indictment only if the case is serious and occurred some time ago, and the accused has a lengthy criminal record.

Once the charge has been laid, the woman becomes a key witness in the court proceedings. Crown counsel do not actually represent the woman, but represent the interests of society. The assaulted woman does not need a lawyer. The Crown will attend all court appearances and prepare the case. You can assist the woman by keeping her up-to-date on the accused's appearances and the reasons for each appearance. It is important to familiarize yourself with practice in your local courthouse. The woman is not required to attend the court appearances unless the case is set for trial or preliminary hearing. In serious cases, Crown counsel may request her to testify at a bail hearing when they are seeking the accused's detention in custody.

If the accused makes an application to vary a court order to allow contact with the victim, she may need to attend the application hearing to tell the judge whether she is in agreement. She is not required to agree to contact simply because the accused is asking for it. It is best to contact Crown counsel prior to the application to make sure the victim's wishes are considered. Crown counsel may take the opportunity to discuss the safety risks involved, or may ask for your assistance in meeting with the woman to develop a safety plan and discuss community resources. The order may be varied to allow specific forms of contact for defined purposes, such as indirect contact through an agreed-upon third party for the purposes of facilitating access to children.

Shortly after the Crown has approved charges, a victim impact statement will be sent to the victim (see Section 7.16). If a trial date is set, Crown counsel will arrange for police to serve a subpoena on the victim and any other required witnesses. The subpoena will give the trial date and time, and at least one charge from the case. The woman's employer may need to see the subpoena in order to grant permission for her to miss work.

Crown counsel will try to meet with the woman prior to the court date, but in reality this meeting may be on the day of the trial. At this meeting, besides telling the woman what will be required of her, Crown counsel will determine whether she has been subjected to any threats or interference. If so, Crown counsel will refer the matter to police for investigation and may lay additional charges if appropriate.

If the woman recants her statement, it is possible that a videotaped KGB statement may be used instead if certain conditions are met. However, these have not been used very often in BC. Crown counsel would have to argue for its use in a *voir dire* (a trial within a trial to determine the admissibility of evidence).

when alternative measures are used

section

As a victim service worker, you may need to explain to the victim what alternative measures mean and what support services are available. Keep the following points in mind:

- Any victim of a power-based crime such as violence against women in relationships is not an equal participant in a consultative process, whether with the abuser or with a representative of the justice system. The same dynamic that keeps a victim in an abusive relationship or that makes a victim feel powerless makes that victim vulnerable to pressure from anyone who may be seen as an authority figure. An understanding of this dynamic is all the more important when victim service workers are providing support in VAWIR cases where alternative measures are used.
- Victims might never tell criminal justice system personnel about the full extent or impact of the violence. An increasingly comprehensive picture of the violence is usually revealed over a period of time, as a relationship of trust is developed and as the victim is able to fully assess for herself the impact of the violence. Effective identification of risk factors will depend upon collaboration among justice system personnel, including Crown counsel, police, probation officers, and victim service workers.

Community Corrections policy on alternative measures

When alternative measures are recommended, the entire Report to Crown Counsel (RCC), including the police narrative and all victim statements, are provided to Community Corrections and reviewed. The following conditions apply:

- The accused indicates unequivocal agreement with the circumstances outlined in the report and has taken full responsibility for his actions
- The report does not make reference to any physical injury as a direct result of the assault, or use of a weapon, or any threats to harm the victim or others
- There is no reported history of physical violence, bodily harm, aggravated assault, involvement of a weapon, or threats to third parties
- The victim confirms that there is no pattern of historic or ongoing violence or threats
- The victim's views are relayed to Crown counsel and are part of the decision making
- The victim does not directly or indirectly express concerns for personal safety
- The victim does not wish to have protective conditions imposed on the accused

- The victim is referred to victim services, where available
- The offence was not sufficiently serious to threaten the safety or tolerance of the community
- The results of the risk/needs assessments indicate a low risk to reoffend
- The accused does not require treatment that would be provided to persons subject to court orders

preparing a woman for court

You may have to play a major role in preparing the woman for the court case. She will need information on a number of topics, including:

- How the court system works
- The steps in the process between the laying of charges and the trial
- The number of appearances and the amount of time involved
- What will be expected of her during a preliminary hearing or trial
- What her rights are
- The possible outcomes of the trial

The court process is a long, emotional, and often frustrating one. It begins when an assault charge is laid or a peace bond application is made. You will need to be encouraging and positive. The more information she has about the court process and what will be asked of her, the better prepared and more comfortable she will be. By helping the woman understand the justice system and the steps in the court process, you can help her have realistic expectations of what the system can do for her and the amount of time it may take. You will also help her begin to assume some control over events in her life.

As you provide practical assistance, information, and moral support for the woman and if you accompany her through the process, you must resist the temptation to "take over." Help the woman learn to use the justice system, social services, and community resources to get what she needs. Help her by encouraging her to believe she can make decisions and take action on her own.

Although the process of preparing for the assault trial is complex and time-consuming, you must keep in mind the very practical problems that the woman is also facing. Women have been unable to go to court because they lacked transportation or had no one to look after their young children.

It is helpful to take the woman for a tour of the courthouse. If you can, accompany her to watch a trial so that she can see the process in action and become familiar with the courtroom and the court officials. If possible, attend a trial that is not similar to the one she is involved with, so as to not increase

her anxiety. It may be possible to arrange with court staff for her to sit in the witness box when the courtroom is empty during a break or at the end of the day. This will help familiarize her with the process and the feel of the room, and make it feel less overwhelming. Do not point out where the accused will sit, as she may be required to identify the man later in court.

The preparation for court may take place on several occasions, in either your office or the courtroom, or both.

Court orientation involves explaining the process and defining roles and legal terms used in court, but ***not*** discussing what she will say in court. It is very important that any discussions about the details of her testimony in this case take place with Crown counsel, not with victim services.

Ideally, Crown counsel will maintain contact with the woman throughout the period leading up to the trial and provide her with information about the case and the court process. In reality, except in very serious cases, Crown counsel may meet with the woman infrequently or just once – sometimes on the day of trial. Since most victims wish to meet before the trial date, you can assist by setting up the pre-trial interview.

If the victim wishes, you may be present at the meeting with Crown counsel. During the meeting, Crown counsel will instruct her on what will happen during the court process, what to expect in terms of questions being asked, and what will be required of her. Crown counsel will ask the woman whether she wishes to swear to tell the truth on the Bible or make a solemn affirmation, which is a non-religious, legally binding way to promise to tell the truth.

If the woman's employer is reluctant to give her the day off to appear in court, she can point out that she has been subpoenaed as a witness and by law must appear in court. Be sure that the woman knows that she may be required for several hours on that day so that she is able to make necessary arrangements for childcare. Ensure that she has transportation and knows exactly where to go. You may be able to provide information on bus routes, local parking, and safety going to and from the courthouse.

The woman may be able to receive financial assistance to help with transportation, meals, and hotel expenses if she has travelled a significant distance to reach the courthouse. The Crown counsel witness notifiers will make prior travel arrangements directly with the witness, or authorize the payment from the court registry after the trial.

Victims of assault within relationships are often worried that their children will have to appear in court. Crown counsel try not to call the children as witnesses wherever possible if their testimony is not critical to the case.

If there is a legitimate reason why the woman cannot attend court, she should speak to Crown counsel as soon as possible so that an adjournment can be requested.

It is possible that the trial will be adjourned. There are many reasons for delays: an earlier case could be taking longer than expected, an important witness may be absent, or the defence may have requested an adjournment for a variety of reasons. In such cases, the judge will usually grant the adjournment unless the case is very old, and the matter will be put off until another day. It may then be a different Crown counsel handling the file on the new trial date. It is also possible for the accused to change his mind about proceeding to trial even at the last minute or after the trial has started. If he does change his plea to guilty, then there is no need for a trial and the case moves on to the sentencing hearing.

working together to support the woman

The job of preparing a woman for court is challenging and time-consuming. As with other aspects of victim services work, your job will be done most effectively if you work closely with your colleagues both within the community and within the justice system to meet the needs of victims.

While most women will need basic information and reassurance about the court process, many women will also have unique needs that may best be met by other service providers in the community or members of their own support networks. There may be times when a woman seeks information or support from others as well as the victim service worker. Victim services should always work collaboratively with police, Crown, probation, family justice counsellors, and court registry staff to facilitate the most effective and comprehensive support for the victim. It may be that others are able to support the victim through the court process while leaving the court orientation and procedural aspects of the case to victim services, the investigating officer, Crown counsel, corrections personnel, and court registry staff.

Wherever possible, encourage the woman to use her support system of friends and family and to share her feelings with them. If you are not able to attend court on the day of the trial, there may be members of her family who can. The victim may also decide that she does not want anyone to attend on the day of trial despite well-intentioned family members planning to help in this way. Encourage the woman to be assertive about her needs, while exploring alternative ways that the family can provide support. They may instead be able to provide a ride from court, or support her on the evening or days following the trial.

Despite recent improvements to take account of the role and needs of the victim in the court process, the adversarial principle that is at the heart of our system means that our courts are not always victim-oriented. Many of the procedures involved in the investigation and prosecution can be confusing, frightening, and at times traumatic for the assaulted woman. She may feel that her personal life has become public and exposed. The assistance, support, and encouragement offered by victim service workers will be a significant factor in ensuring that the woman is able to understand and cope with the experience.

The more you can learn about the process the more you will be able to help her. A good way to become familiar with court proceedings is to go to the courthouse and watch court sittings for initial appearances and trials. This will enable you to better explain the process to the woman.

initial appearances

If the alleged abuser was released by the police, he will have been released on a Promise to Appear (PTA), usually accompanied by an undertaking with release conditions. The PTA will state the date of his first appearance in court, usually for a day several weeks away. The time period between the date of the incident and the date of the first appearance will vary.

If the alleged abuser was arrested and held for court, he will appear in court, usually the next day, for his bail or judicial interim release hearing. At the bail hearing in court, he will most likely be released and placed on a bail order or court undertaking, as well as being given his next court date. In more serious cases, there may be a requirement for the accused to have someone sign that he will follow the release conditions, or put up cash or surety as part of his bail. Bail conditions usually include ordering the accused not to have contact directly or indirectly with the victim and not to go to her residence or other locations, such as work or school. He may also be ordered to report to a bail supervisor and to abstain from using drugs or alcohol. The victim may be provided with a copy of the order through the mail from the bail supervisor, or she can obtain a copy personally from the court registry or Crown counsel.

If the accused is at high risk to re-offend, or has a lengthy criminal record, or the assault was of a very serious nature, he may be held or remanded in custody. An accused who is held in custody will have appearances in court either in person or through video-conferencing from the remand centre (jail). The regular court process will be expedited to acknowledge the presumed innocence of the accused while protecting the safety of the public.

Criminal Case Flow Management Rules were implemented in 2000 to respond to delays in court and to reduce unnecessary appearances. The rules changed some aspects of the court process and enabled the accused to make initial appearances in front of a justice of the peace instead of a Provincial Court judge. In some communities, the initial appearance happens in a smaller separate courtroom. Although these courtrooms are still considered open to the public, in reality they are usually very small and it is often not comfortable for the public to attend.

During the initial appearances, the accused is given information on the court process, told how to apply for legal aid, and advised to seek legal counsel. He will be informed of the Crown's initial sentencing position in the event of a guilty plea. The accused or his lawyer will also be provided with a copy of the police report, the witness statements, and copies of any other evidence. This is called disclosure and reflects a legal right of the accused to see all the evidence that the Crown has against him. The victim should be informed about this process and may have questions about her rights. You may need to explain that the role of the witness/victim is different from that of the accused and that she is entitled only to a copy of her witness statement. The woman may also be concerned about her safety when she realizes that the accused will read her account of what happened.

The woman should also be prepared for the fact that the accused may have a number of initial appearances or plea dates before committing himself one way or another. You should become familiar with the usual time it takes for each part of the court process in your region.

The accused will be expected to inform the justice whether he intends to plead guilty or not guilty. A not-guilty plea will result in a trial proceeding on a future date, while a guilty plea will not require a trial and will result in a sentencing hearing only.

plea discussions

Plea discussion is a process of negotiation between the defence counsel and the Crown counsel. In return for a guilty plea, the Crown may stay (meaning "not proceed with") some of the charges against the accused, reduce the charge to a lesser offence, or ask the court for a lighter sentence. Plea negotiation, sometimes called plea bargaining, is not used in every case, but may be used where the administration of justice and the public interest require that it be considered. If it is used, plea negotiation may begin at the earliest stages of the process and go on until the trial.

In plea discussions, particular care is taken to balance:

- The rights of the accused
- The protection of the public
- The cost of the prosecution
- The length of the prosecution
- The number of witnesses involved
- The benefit derived from proceeding
- The interests of the victim
- Concerns related to the protection of the victim
- The administration of justice

A number of options are open to Crown counsel. Crown counsel might:

- Accept the proposed guilty plea
- Reduce the number of charges
- Proceed summarily rather than by indictment
- Make recommendations regarding the sentence
- Refuse the plea and proceed to trial on the original offence charged

victim impact statements (VIS)

The Crown generally presents a victim impact statement to the court in VAWIR cases. Crown counsel may give the statement to the judge as information to consider in sentencing. It is the role of the victim service worker to explain victim impact statements to the victim and to assist in filling out this form.

The VIS form and brochure are usually mailed to the victim shortly after the charge has been approved. If the victim did not receive a form, a form can be provided by victim services. In some cases, Crown counsel will interview the victim to help prepare the statement. In most cases, the victim will either mail the completed statement back to the Crown office or bring the form to victim services for assistance. The victim is ***not required*** to fill out the statement, although it is generally encouraged.

The VIS is a chance for victims to have a voice in the proceedings by describing the emotional, physical, financial, and other effects the offence has had on them. For purposes of possible restitution from the offender, the VIS can list readily discernible financial impacts of the offence. It can also act as a powerful tool in helping victims to assess the impact of the incident on their lives. The contents of the statement should focus on the impact of the offence rather than introducing new evidence, suggesting a sentence, or commenting on the character of the accused.

The VIS should be completed as soon as possible in case the accused pleads guilty on a first appearance. In some cases, if the matter is set for trial, the victim may later wish to add an addendum if there has been a further impact on the victim after the first form was submitted. Completing a VIS can be a complex process for a victim in a VAWIR case. For this reason, it is important to ensure that the victim can complete it without being under time pressure. If a VIS is not completed, note the reasons in the file.

The victim should understand that defence counsel will receive a copy of the statement and that the accused may also be aware of its contents. In some cases, the Crown or the judge may read excerpts aloud in court during sentencing. The Crown can even call the woman to the stand and ask her to make an oral submission to the judge about the impact of the offence. It is also possible for defence counsel to question the victim on parts of her VIS during the trial as well as during the sentencing hearing.

This document is used for sentencing purposes only, if the accused pleads guilty or is found guilty at a trial. Even if a statement is prepared, the witness will be expected to testify at the trial.

You will need to be familiar with the woman's VIS, as you may need to transcribe the statement on the woman's behalf if she is injured, cannot write English, or has vision or literacy difficulties. It is essential, however, that the statement is presented in her own words.

a guilty plea

If the accused decides to plead guilty, he will indicate this to the justice, who will set a date in Provincial Court for his sentencing in front of a judge. The accused may be sentenced immediately if court is sitting, or sentencing may be set for a later date. There is no need for a trial in this case.

a not-guilty plea

If the accused pleads not guilty to the charge(s), a date will be set for an arraignment hearing in Provincial Court to file an arraignment report. The report will give a best estimate of the time required for a trial and the judge will refer Crown and defence counsel to the judicial case manager or trial coordinator to set a date for the trial. A second date will also be set for a brief hearing (called a trial confirmation hearing) approximately one month prior to the trial to confirm that both parties are prepared to proceed on the trial date.

If the case is going by way of indictment, the accused will choose to be tried by either Provincial Court judge or Supreme Court judge alone, or by judge and jury. In the cases where the accused selects Supreme Court, there will be a preliminary hearing date set in Provincial Court.

preliminary hearing

section

The purpose of the preliminary hearing is for the judge to decide whether there is enough evidence to proceed to trial. It also gives the defence counsel a chance to hear the Crown witnesses and to listen to their testimony and ask questions. The woman will be subpoenaed to attend court and will be required to testify. She should expect it to feel like a trial, except that there will not be a decision of guilt or innocence at the end of it. Unlike a trial, witnesses are not able to listen to the remainder of the trial after they have testified, but must leave the courtroom after being excused from the witness stand. Defence counsel will usually not call evidence. After hearing the evidence, the judge will decide either to discharge the case or to order the case to stand trial. The judge must believe that based on the evidence, a reasonably instructed judge or jury could deliver a finding of guilt. After the preliminary hearing, a trial date is usually set for Supreme Court. There may be significant time between the preliminary hearing and the trial date.

closed hearing on release of personal records

In some cases, defence counsel will apply for release of personal records about the victim. This might include personal diaries or medical records. If this happens, the woman and the record holder will be served with a Notice of Motion and a subpoena. This may happen before or during the trial.

A hearing that is closed to the public will be held. The purpose of the hearing is to decide whether the court should order release of the records. The victim is not required to testify at this hearing. Her lawyer should make submissions on her behalf. If the records are in the possession of a third party, such as a doctor, counsellor, educational institution, or victim service agency, they may also be separately represented.

In recognition of the woman's right to privacy and equal treatment, and given the intimacy of the information involved, the *Criminal Code* restricts the release of personal records in sexual assault cases. In common assault cases, there will also be restrictions based on the Supreme Court of Canada case of *R. v. O'Connor*.[1] No records will be released unless the judge orders it and after the victim's privacy rights are considered.

footnote 1

[1] *R. v. O'Connor, [1995] 4 S.C.R. 411*

You should refer the victim to legal aid to protect her privacy interests in any case where her personal records are being subpoenaed by the court. She does not have to meet financial eligibility requirements for legal aid in such a case.

If your notes are subpoenaed under an application to the court by defence counsel to obtain the victim's records, you should get legal advice for your agency before you release any information. If the interests of your agency are different from the privacy interests of the woman, or if the woman chooses not to obtain legal aid counsel to defend her privacy interests, then your agency may be eligible for legal aid to argue against the release of the woman's personal records.

Despite the restrictions, there will be situations where the court will order release of private records. They must then be released to the accused's lawyer. In certain cases, the victim service worker may also be subpoenaed to appear as a witness and must then answer questions about the records or about information provided by the woman.

For further information on the *Criminal Code* and access to third-party records, community-based victim services can refer to their *Records Management Guidelines*. Police-based programs should refer to any internal policies that address this issue.

the trial

at the courthouse

Unless otherwise advised by Crown counsel, go with the woman to Crown counsel's office upon arrival at the courthouse. You will be advised where to wait and in which court the case will be heard. The Crown may have some last-minute information about the case, such as the possibility of an adjournment or a change of plea by the accused.

If the woman requires an interpreter for the interview with Crown counsel, contact the Crown office ahead of time to make sure that this has been arranged.

There is usually a waiting room directly outside the courtroom. Witnesses will be shown where to wait and will be paged when it is their turn to testify. Be aware that the accused and his family may also be waiting in the same area before court and on court breaks. In some courthouses, there are special waiting rooms for vulnerable witnesses. Crown counsel and sheriffs must be informed if you are going to wait with the woman anywhere other than immediately outside the courtroom.

who will be in the courtroom

At the trial there will always be a judge. If it is in Supreme Court, there may be a jury of 12 people as well.

section

The court clerk makes sure that everything necessary for the trial is in place and calls the judge from chambers when court is to begin. The court clerk reads the charge or indictment to the accused. The court clerk also gives the oath to witnesses before they testify. If there is an interpreter, the court clerk will give the interpreter's oath to the interpreter. The court clerk is responsible for recording the proceedings and may need to ask the victim to speak louder.

A sheriff will be present to call witnesses to the stand and to provide security for the courtroom. If the woman is being harassed by the accused in the courthouse, the sheriff should be able to assist. The sheriff also transports prisoners to and from court.

The Crown counsel or prosecutor will present the case for the Crown. The defence counsel or defence lawyer will represent the accused.

The accused will be present. Members of the public may also be present, possibly including the accused's family members or friends. In Canada, all trials are open to the public except in very rare cases.

The woman is welcome to bring friends and family for support during the trial, but must be warned not to look to them for assistance with questions during the trial.

the Crown's case

The trial starts with the Crown presenting its case against the accused. The Crown will ask each witness to be called to the stand, where they will be asked to identify themselves, to swear to tell the truth, and then, once seated, to tell the judge about the incident.

The first questions might be very straightforward questions about occupation, age, and address. If the woman is concerned about her address being revealed in court, she should mention this to Crown counsel prior to coming into court, or simply state in court that she has safety concerns about revealing her address or work location. Usually Crown counsel prepares the witness prior to trial by telling her what questions they are likely to ask.

First, Crown counsel asks the witness questions. This is called direct examination. Crown counsel's questions during direct examination might include:

- Is the accused here in the courtroom today?
- When did the incident occur?
- Where did it happen?
- Can you tell the court what happened on the day in question?
- What did you do?
- What did you say?

The woman should be encouraged to direct her responses to the judge. This will lessen her anxiety about having to look in the direction of the accused, and also remind her that it is the judge and not the lawyers who need to hear her evidence. You should remind her to do the following when responding to questions:

- Always tell the truth
- Take her time and try to remain calm
- Not be afraid to ask to have a question repeated
- Not be afraid to say that she does not know the answer
- Not guess at an answer if she is unsure
- Speak slowly and clearly (for the judge's note taking and recording)
- Ask Crown counsel, defence counsel, or the judge to reword any questions that are unclear

Once Crown counsel has finished questioning the woman, defence counsel may ask questions. This is called cross-examination and can be an unsettling experience for any witness. The defence counsel may attempt to focus questions on the woman's truthfulness or credibility and any changes in her recollection of events. It helps if the woman understands that the challenging questions are to test her credibility and the strength of her evidence. She should try not to take them as a personal attack. You can explain to her that all witnesses in court undergo this kind of scrutiny.

After the defence counsel is finished, Crown counsel may want to ask the woman a few more questions in order to clear up any issues that arose during cross-examination.

When the woman's testimony is completed, the judge will excuse her. In a trial, she may take a seat in the courtroom after she has given her evidence, and watch the remainder of the trial. Prepare her for the likelihood that she

may feel strong emotions shortly after leaving the stand. She may also find it frustrating not to be able to respond to comments made by other witnesses or the accused when they are giving evidence.

section

the defence's case

After Crown counsel has presented the case against the accused, the defence lawyer has the opportunity to call evidence. The same process of giving evidence and calling witnesses is followed by the defence. Crown counsel will then cross-examine any defence witnesses. The defence lawyer may or may not choose to put the accused on the stand to testify; however, this is required if the accused intends to provide an alternative version of the events. The judge may also ask questions if she or he wishes more information from the lawyers or a witness, but this is usually very limited.

Because anyone who has information bearing on the case may be called as a witness, it is possible that you, as a support worker, may be asked to testify. In that event, you would follow the same guidelines required of any witness.

closing arguments

Both Crown counsel and defence counsel will make closing arguments to the judge. They may briefly summarize the evidence and make arguments as to why the judge should or should not accept the testimony of the witnesses. The lawyers may also cite case law that supports their positions.

completion of the court process

the decision or verdict

After all the evidence has been presented, the judge (or jury) will make a decision. The judge may decide the verdict immediately following the trial or may choose to reserve the decision to allow time to review the extensive notes taken during the trial. A jury may take some time, possibly days, for their deliberations before returning to the courtroom with a verdict.

a finding of not guilty (acquittal)

If the accused is found not guilty of the charges (acquitted), the case does not proceed any further. The only exception to this would be in the rare case where there is an appeal (see below). An acquittal does not mean that the judge thought it was wrong to lay the charge or bring the case to trial. It does not mean that the judge thinks the woman was lying about the assault. Criminal trials follow strict rules of evidence and the law requires a finding of guilt to be beyond a reasonable doubt.

The woman may feel that the whole process was useless, or that she was the one on trial. It is important to remind her that the accused has had to attend court numerous times, visit lawyers, and have a trial. He may have learned that assault within a relationship is taken seriously and could result in a conviction if he does it again. She has demonstrated to him that she is not afraid to access the justice system as a means to protect herself and will not keep his crime a secret. She now knows what systems and resources are available to her, and where to go for help.

Many women feel empowered by the court experience even when the outcome is not what they had hoped for. The measures of empowerment research (Russell, 2002) found that whether or not there was a finding of guilt, most women felt that by going through the court process they had made their voices heard. They had spoken out publicly about what had happened to them and named it as a crime. If the woman is feeling discouraged by the outcome, try to help her see the value in having spoken out, and see that she has taken a major step towards breaking a pattern of violence and empowering herself.

It is important to address safety issues at this point, because any undertakings or bail orders that were in place because of the criminal proceedings will now end. Whether or not she is planning to continue with the relationship, it will be important to develop or update her safety plan. If she does not want contact, then she may wish to pursue a restraining order through civil court. It is also important to assure her that the acquittal does not mean that he is allowed to harass or assault her. Any new contact may be grounds for a peace bond application or new charges of criminal harassment or threatening.

a finding of guilty (conviction)

If the judge or jury finds the accused guilty of some or all of the charges, then the case proceeds to sentencing. Sentencing may occur on the same day as the trial, or may require an adjournment to allow for the preparation of a pre-sentence report.

pre-sentence report

The judge may ask for a pre-sentence report to get more information before sentencing, particularly where there is a consideration of a jail term or some other special circumstance. A pre-sentence report is requested in a minority of cases, however, and should not be depended upon as a way of telling the judge about the effect of the crime on the victim. The probation officer will interview the victim in the preparation of the report, which will include a discussion of the offender's educational, vocational, and family background and other pertinent factors related to sentencing, including the history of the offence and the

possibility of re-offence. The victim service worker may also provide relevant information for inclusion in the report.

In the interview with the victim, the probation officer will:

- Explain the function of the pre-sentence report
- Obtain information relevant to the relationship
- Hear the victim's version of the offence
- Obtain information about the impact of the offence on the victim and others affected
- Convey the woman's fears about the offender re-offending
- Discuss possible court recommendations vital to the victim's safety
- Advise the victim of available community resources

sentencing

Once the accused is found guilty, the judge will decide on the type and length of sentence. The judge will use the pre-sentence report if one was prepared, and will read the victim impact statement. Crown counsel and defence counsel will make submissions on the sentence, often suggesting a range of sentences that takes into consideration the criminal record, the seriousness of the offence, and the relevant case law.

Crown counsel may also make a request that the man pay restitution to the woman if there was a readily discernible expense arising out of the incident. The victim would need to provide receipts for any repairs that were made and Crown counsel would ask the judge to order restitution at the sentencing. Details on readily ascertainable financial losses can also be provided in the victim impact statement.

If the victim has not already done so, she should inform Crown counsel whether or not she wants to have contact with the man. A probation or conditional sentence order can include a condition that the offender has no direct or indirect contact with the woman. Or, the condition can allow limited contact for specific purposes, such as indirect contact through counsel for resolving marital and property issues, facilitating access to children, or other purposes.

Possible sentences include:

- Absolute discharge. This is a conviction that results in no conditions or sentence, and does not carry a criminal record.
- Conditional discharge. If the offender follows certain conditions for a specified period of time, there will be no criminal record.

- **Suspended sentence.** The offender gets a criminal record but will not have to go to jail, provided that he stays out of trouble and follows certain conditions.
- **Probation.** The offender must follow all the conditions set by the judge in the probation order for as long as required. Usually one of the conditions is that he report to a probation officer. The probation officer should inform the woman of the conditions that might include not contacting the woman, attending counselling, abstaining from alcohol, and not owning weapons.
- **Fine.** The offender pays a fine to the court registry within a specified time period. This may be accompanied by a probation order. A fine will appear on a criminal record.
- **Conditional sentence order.** The offender is sentenced to a jail term that is served in the community. Conditional sentence orders usually include strict conditions such as house arrest or a curfew, along with conditions normally found on a probation order. If the offender does not follow the conditions, the Crown can apply to revoke the conditional sentence and have the offender serve the remainder of the term in custody. A probation order can follow the conditional sentence order. Before imposing this sentence, the court must decide that a sentence of imprisonment is justified. It must also consider a firearms prohibition.
- **Jail.** If the assault was severe or the offender has committed other violent offences, he may be sentenced to jail. The maximum sentence depends on the crime he was convicted of. An offender who is sentenced to jail will be taken into custody from the court and transported to the nearest correctional facility. Jail terms under two years are served in a provincial facility and jail terms of two years or more are served in a federal facility. Many inmates become eligible for an early release and thus will serve only a portion of the jail term in custody. Parole conditions or a probation order may follow a jail term. In some cases, the judge sentences the offender to a jail term that is served intermittently. With an intermittent jail term, the man would go into the jail on the weekends, allowing him to maintain employment through the week.
- **Restitution.** In imposing a sentence, the criminal court may, in addition to any other measure, order the offender to pay compensation to the victim for the cost of property and pecuniary damages. This could include loss of income and reasonable living expenses. A restitution order does not prevent her from also seeking civil damages.

Aboriginal offenders

In the Gladue case,[2] the Supreme Court ruled that sentencing judges must pay particular attention to the circumstances of Aboriginal offenders because of their uniqueness and difference from non-Aboriginal offenders. The court also said that imprisonment may be a less appropriate sanction for Aboriginal offenders.

section

appeals

Although it happens infrequently, Crown counsel and defence counsel have the right to appeal a decision by a judge or jury. In Canada, defence counsel have a wider scope to appeal than Crown. While both can appeal on grounds of either an error in fact or an error in law, only the defence can appeal on the grounds of an error in both law and fact.

Summary appeals would be heard in Supreme Court, while indictable appeals would go to the Court of Appeal. If the verdict is appealed, the transcripts of the trial and the decision will go to the Court of Appeal, which decides whether or not the trial court made any errors. Witnesses are seldom called to appear at an appeal.

The Court of Appeal can do either of the following:

- Agree or disagree with the trial court decision
- Change the sentence
- Order a new trial

If the court agrees with the original verdict, it will dismiss the appeal. If it disagrees, it can set aside the verdict. If there is a new trial, the woman will likely have to testify again.

victim input after sentencing

In recent years, both federal and provincial corrections have placed greater emphasis on the concerns and needs of victims. They will provide the woman whose partner or ex-partner has been sentenced with information about his case, including information on the start and completion of the sentence, the

footnote 2

2 *R. v. Gladue, [1999] 1 S.C.R. 688*

facility he is housed in, and the date that he becomes eligible for early release, unescorted absences, or parole. They may inform the victim of any transfers or court appearances.

victims' rights in the provincial correctional service

BC provincial policy and laws have changed the way provincial corrections responds to both the victim and the offender in cases of relationship violence. The victim is notified of court, probation, and institutional decisions that affect her safety and that of her children.

If a prisoner is in custody after an arrest, corrections officials will notify the victim of the accused's court appearances and bail status. Once the offender is released, the bail supervisor will inform him that the justice system has adopted a proactive stance in the prosecution of cases involving violence against women in relationships and that it is the criminal justice system that is pursuing the charges, not the victim. The supervisor will also inform the offender that the victim will be made aware of the conditions of bail and the means of reporting breaches of the conditions. The bail supervisor will contact the victim either directly or through the victim service worker to supply her with:

- A copy of the bail conditions
- Information on reporting breaches of the protective conditions of bail
- Information about specialized support services in the community
- Ongoing information relevant to changes in the protective conditions of bail

If the offender is placed on probation, the probation officer will provide the victim with a copy of the probation order with the protective conditions, and advise her on how to report breaches.

When an offender receives a jail sentence, the corrections officer from the institution will contact victims regarding transfers, length of sentence, the release date, and any form of conditional release. By registering for victim notification at the Victim Safety Unit at Victim Services and Crime Prevention Division, the victim can be kept up-to-date on the inmate's status.

The BC Parole Board encourages victim participation at parole hearings, and upon written request will provide a copy of the parole decision and explanation of the conditions of parole. The Parole Board bases its decisions on two criteria: community safety and the reintegration and rehabilitation of the offender. In making decisions, the Parole Board considers victim impact statements as one of many pieces of information. When victims attend hearings, they are given an opportunity to speak to three topics:

- How the crime affected them at the time

- How the crime continues to affect them
- Suggestions for conditions that would address community safety if the offender were granted parole

A pamphlet called *Victims and Parole Board Hearings* explains how to receive information and participate in hearings (see Section 8.16).

victims' rights in the federal correctional service

If the offender is in federal custody, the federal *Corrections and Conditional Release Act* applies to him. This legislation formally gives the victim the right to have access to information and the opportunity to continue to be involved in the case. The following major provisions of the act relate to victims:

- The Correctional Service of Canada and the National Parole Board, upon request, may share information with victims of crime committed by offenders in federal custody.
- After offenders are sentenced, victims may continue to be involved. If they wish, they may provide information, obtain certain information, and observe a hearing of the offender.
- The information a victim may obtain includes:
  - Location of offender
  - Sentence dates
  - Notification of release, transfers, or escapes
  - The date on which the offender is to be released, whether on temporary absence, work release, parole, or statutory release
  - The date of any hearing concerning possible detention of the offender
  - The offender's destination and whether the offender will be in the vicinity of the victim while on conditional release
  - Whether the offender is in custody and, if not, why the offender is not in custody
  - A copy of Parole Board decisions (which will include parole release conditions)
  - Contact information for the parole officer
  - Victims may also submit information to the National Parole Board for consideration at a parole review. The Correctional Service of Canada will use this information to help assess:
  - Whether an offender understands the effect of the offence
  - Whether that person is likely to reoffend

- Whether additional conditions beyond those imposed on all offenders might be necessary to manage a particular risk, especially if the offender will be near the victim after he is released

compensation

There are a number of ways in which a victim may receive some compensation for the harm done to her.

restitution

See Section 7.26, under *Sentencing*.

civil suit

The assaulted woman can sue her ex-partner for compensation and damages in either Small Claims Court or Supreme Court. If she wins the suit, the judge can order the man to pay her a sum of money to compensate for the pain, suffering, property damage, and other expenses she incurred because of his abuse. It is recommended that she consult with a lawyer if she intends to start a civil suit.

Crime Victim Assistance Program

Under the *Crime Victim Assistance Act*, victims injured as a result of certain crimes, immediate family members of an injured or deceased victim, and some witnesses may be eligible for financial assistance or benefits from the Crime Victim Assistance Program (CVAP). Details of this program and the relevant legislation are discussed in Section 3, *Legislation* (Section 3.2), *Services for victims* (Section 3.15), and Section 6, "*Other justice system strategies*" (Section 6.13).

separation, divorce, and care of children

The woman may decide that she wishes to end the relationship. If she wishes to divorce, or there are property or children involved, she will need to get legal advice from a lawyer. The woman may wish to apply for custody of the children, support to help cover the costs of the children's care, or maintenance for herself. If she cannot afford a lawyer, refer her to the resources listed in Chapter 8. The case may be heard in either Family Court or Supreme Court, depending on the issues involved. A lawyer can help decide in which the court the matter will be heard.

A family justice counsellor may also be able to assist the woman. She can contact the closest Family Justice Centre by looking in the blue pages of the phone book under the Ministry of Attorney General or by calling Enquiry BC at 604-660-2421 or 1-800-663-7867. She may also go to www.familieschange.ca, a website that also hosts information for children.

Family justice counsellors are accredited family mediators who provide dispute resolution services to help parents resolve issues. They can also make referrals to parenting after separation programs, legal aid, other legal services, and community resources for families facing separation. Trained to identify safety issues within family relationships, family justice counsellors refer individuals to emergency services and other resources when violence has occurred. In addition, family justice counsellors provide emotional support and short-term counselling to help parents make decisions about separation and divorce.

Initial contacts with a family justice counsellor are conducted separately, and mediation or conciliation is offered only if both parents can commit themselves to the process without coercion and can cooperate in equitably settling issues. Dispute resolution services are not offered if any of the following factors could interfere with reaching a fair agreement:

- Power imbalances
- Safety issues relating to family violence
- Substance abuse or mental illness

If there has been violence in the relationship, the power imbalance may make mediation inappropriate. The woman may find that her ex-partner is not really interested in working towards a mutually agreeable outcome. An ex-partner who has been abusive in the relationship may use the custody and access process to continue his control over the woman or to continue to harass and abuse her.

Family justice counsellors prepare custody and access reports ordered by the court. Reports are assigned according to the following priorities:

Priority 1. One or both clients are unrepresented by counsel or represented by counsel appointed by legal aid, and one or more of the following factors are present:

- The safety of children is in question
- Violence is or has been a factor in the relationship
- Repeated and extended denial of access is alleged
- Another jurisdiction is required to complete the report

Priority 2. All other cases.

Family justice counsellors do not provide legal advice. There is no charge for the service, but there are income eligibility requirements.

BC's *VAWIR Policy* includes the following comments on the role of family court counsellors (the previous title for family justice counsellors):

- In dealing with families where violence occurs or is threatened, the primary concern of the family court counsellor is to assist the woman to provide for her own safety and that of her children
- The family court counsellor must exercise caution in encouraging conciliation or facilitating Family Relations Act agreements. Family court counsellors should have specialized training in the relationship dynamics of wife assault.
- Family court counsellors need to be aware of the impact of violence upon the children of the family, and take into account the abuser's history of violence and the effects on the children when considering an abuser's custody and/or access to his children
- Conciliated settlement of family issues such as custody, access, and maintenance should not be attempted if the woman's safety is at risk and/or the abuser has not attended nor shown progress in an assaultive men's treatment program

The *ASAP Protective Measures for Women's Safety* contains guidelines for protective strategies that can be used in working with women who are dealing with custody and access matters. The *Family Law Resource Manual for Community-based Advocates Assisting Women Dealing with Violence Issues* will be helpful to you in supporting women as they deal with family law matters (see Section 8, under BC Association of Specialized Victim Assistance and Counselling Programs).

after the court process is over

Once the court process is completed, it may be necessary and appropriate for you to continue to support or assist the woman if, for example, she is at risk from an abuser who is in the community. Or you may be ending your relationship with her. It is important that you are clear about the boundaries of your work with women who are victims of violence, about what is best to help the woman move forward in her life, and the limits of your mandate as a victim service worker. It is best to prepare her for the time when you will be ending your relationship with her by being clear about your role from the start.

She will need to begin the process of transition, having moved from crisis, to preparing for court, to finally moving on with setting goals and accessing longer-term support. You can help prepare her for the feelings she may have once the court process is completed. She may feel relief or sadness and grief about how the relationship ended. She may feel stronger for having stood up to the offender but may be anxious and fearful about the future. She may have safety concerns and she needs to know that she can use the police and your services if problems continue.

Connecting her to resources in the community for herself and her children before this time will help ease the transition. She may be able to gain help from training programs, women's support groups, counsellors, second-stage housing projects, churches, and other community groups. You should know what assistance is available to her and her children through local community and government agencies.

During the weeks or months that you have worked together, bonds will have formed and it may be difficult to close the file and sever your association with her. Your role will best be served if you plan for this and refer her to the best possible resources in the community to help her make closure with you and move on to the next stage in her life.

section 8

resources for working with women who are victims of violence in relationships

Introduction	8.2
Government services	8.2
Provincial + regional organizations	8.5
Legal information + advocacy	8.8
Other useful organzations + websites	8.9
Print resources	8.9
Videos	8.19

introduction

The resources listed here will be useful to you in all aspects of your work with women who are victims of violence. It is important that you become familiar with these resources so that you can keep current, both in your knowledge and understanding of violence against women in relationships and in your awareness of what exists to help you help women who are its victims.

government services

Province of British Columbia

Enquiry BC

If you or the victim needs help finding a program, service, or person within the BC government, call Enquiry BC.

Telephone numbers:
604-660-2421 (Lower Mainland)
1-800-663-7867 (toll-free outside Lower Mainland)
604-775-0303 (TTY for hearing impaired)
1-800-661-8773 (outside BC)

Ministry of Public Safety and Solicitor General

Web: www.gov.bc.ca/psg

Victim Services and Crime Prevention Division
302 – 815 Hornby Street
Vancouver, BC V6Z 2E6
Telephone: 604-660-5199 Fax: 604-660-5340
E-mail: VSDVictimServices@gov.bc.ca
Web: www.pssg.gov.bc.ca/victim_services

To view the Victim Services and Crime Prevention Division publications, including forms, go to:
www.gov.bc.ca/psg/victim_services/publications/index.htm

VictimLINK
Telephone: **1-800-563-0808**
The line is TTY accessible and provides interpretation services for all major languages in BC.

Victim Services
Telephone: 604-660-5199 Fax: 604-660-5340
E-mail: sgvsdvictimservices@gems2.gov.bc.ca
Web: www.pssg.gov.bc.ca/victim_services
For a list of all victim services in BC, go to:
www.pssg.gov.bc.ca/victim_services/directory/index.htm

Victim Safety Unit
Telephone: **604-660-0316** (Lower Mainland)
1-877-315-8822 (toll-free from anywhere in Canada)
Fax: 604-660-0335
Web: www.pssg.gov.bc.ca/victim_services/index.htm
To register for victim notification go to:
www.pssg.gov.bc.ca/victim_services/notification/index.htm

Crime Victim Assistance Program
Telephone: **604-660-3888** (Lower Mainland)
1-866-660-3888 (toll-free outside Lower Mainland)
To access CVAP Counselling Guidelines and Application Forms, go to:
www.pssg.gov.bc.ca/victim_services/publications/ index.htm

Protection Order Registry
Victims can call VictimLINK at 1-800-563-0808 to verify the status of their order.

Provincial Protective Measures Unit
Telephone: 604-717-3674 Fax: 604-717-3315
Operates out of the Domestic Violence Unit of the Vancouver Police Department.

BC Corrections Branch
Telephone: 250-356-9596 Fax: 250-387-1753
Web: www.pssg.gov.bc.ca/corrections/index.htm

BC Parole Board
Telephone: 604-660-8846
Web: www.gov.bc.ca/bcparole

Ministry of Attorney General

Web: www.ag.gov.bc.ca

Criminal Justice Branch
Telephone: 250-356-9596 Fax: 250-356-2213
Provides access to Crown counsel policies.

BC Family Justice Services Information Line
Telephone: **604-660-2192** (Lower Mainland)
1-888-216-2211 (toll-free outside Lower Mainland)
A telephone service to answer questions about family law issues, such as custody and access and child support.Family Justice website: www.ag.gov.bc.ca/family-justice/index.htm provides information on family law and the role of the Family Justice Centres.

Family Maintenance Enforcement Program
Will assist custodial parents with enforcement of maintenance orders.

To find out how to enrol in the program, clients need to call:
Telephone: 250-356-8889 (Victoria) 1-800-663-7616 (toll-free in BC)
Automated General Information Line: 1-800-668-3637
Central Enrolment Unit: 250-220-4040
Web: www.ag.gov.bc.ca/f-justice/help/fmep/index.htm

Clients already enrolled in FMEP can call:
Telephone: 604-775-0796 (Lower Mainland) 250-356-5995 (Victoria) or 1-800-668-3637 (toll-free in BC)

Public Guardian and Trustee of British Columbia
Telephone: 604-660-4444
Web: www.trustee.bc.ca

Ministry of Children and Family Development

Web: www.mcf.gov.bc.ca/contact_us.htm

Ministry of Community, Aboriginal and Women's Services

Web: www.gov.bc.ca/mcaws

Stopping the Violence (STV) Counselling Programs
Web: www.mcaws.gov.bc.ca/womens_services/counselling/index.htm

Ministry of Human Resources

Web: www.mhr.gov.bc.ca
Family Maintenance Workers will assist those who are on social assistance with getting, enforcing, or changing maintenance orders.

Government of Canada

Department of Justice Canada
Web: www.canada.justice.gc.ca

Correctional Service of Canada
Web: www.pssg.gov.bc.ca/victim_services/notification/index.htm
Provides information about notification of status of offenders sentenced to custody terms of two years or more

Status of Women Canada
Web: www.swc-cfc.gc.ca

National Clearinghouse on Family Violence
Web: www.hc-sc.gc.ca/hppb/familyviolence/index.html
Provides educational resources on family and sexual violence, including violence against women, children, and the elderly, and violence in same-sex relationships.

National Parole Board
Telephone: **1-888-999-8828** (toll-free in BC)
Web: www.npb-cnlc.gc.ca/victims/victims_e.htm

provincial and regional organizations

Affiliation of Multi-Cultural Societies and Serving Agencies
Telephone: 604-718-2777

BC Association of Specialized Victim Assistance and Counselling Programs (BCASVACP)
Telephone: 604- 633-2506 Fax: 604- 633-2507
E-mail: bcasvacp@endingviolence.org
Web: www.endingviolence.org
Represents and supports BC Specialized Community-based Victim Service Programs, sexual assault and woman assault centres, and Stopping the Violence Counselling Programs. Programs and projects include:

- *Community Coordination for Women's Safety*, a program supporting coordinated community approaches to violence against women, focusing on rural and isolated areas
- Safe Choices, a support and education program providing information for service providers on abuse in same-sex relationships

BC Coalition to Eliminate Abuse of Seniors (BC CEAS)
Telephone: 604-437-1940 (Lower Mainland)
1-866-437-1940 (toll-free outside Lower Mainland)
Fax: 604-437-1929
Web: www.bcceas.ca
Promotes education, research, services, and advocacy regarding the abuse of seniors.

BC Foundation to Support Community Response to Adult Abuse and Neglect
Telephone: 604-660-4482
E-mail: crns@telus.net
Web: www.bccrns.ca
Supports communities in their responses to adults who are experiencing or are at risk of abuse, neglect, or self-neglect.

BC Institute Against Family Violence
Telephone: **604-669-7055** (Lower Mainland)
1-877-755-7055 (toll-free outside Lower Mainland)
Fax: 604-669-7054
Web: www.bcifv.org
Conducts research and develops educational and training resources focusing on eliminating family violence.

BC/Yukon Society of Transition Houses (BC/YSTH)
Telephone: 604-669-6943 Fax: 604-682-6962
E-mail: admin@bcysth.ca
Web: www.bcysth.ca
Represents and supports transition houses, safe homes, and second-stage housing in BC and the Yukon. Programs include Children Who Witness Abuse Programs.

Ending Relationship Abuse (ERA) Society of BC
Telephone: 604-291-0521
Web: www.endingrelationshipabuse.ca or www.bcacam.bc.ca
A network of individuals who provide or support treatment for those who use violence or abuse in their intimate relationships, directed to effective policy and funding for programs, support and training of counsellors, and high-quality services.

The FREDA (Feminist Research, Education, Development and Action) Centre for Research on Violence Against Women and Children
Telephone: 604-291-5197
E-mail: freda@sfu.ca
Web: www.harbour.sfu.ca/freda

Conducts research and provides public education and advocacy on violence against women and children, focusing on immigrant and visible minority women and girls.

Justice Institute of British Columbia
Centre for Leadership and Community Learning
Telephone: 604-528-5608 Fax: 604-528-5640
E-mail: clcl_pr@jibc.bc.ca
Web: www.jibc.bc.ca/clcl
Provides postsecondary training and educational resources for victim services, justice, health, and social services personnel and conducts research on victimization issues.

LGTB Centre ("The Centre")
Telephone: **604-684-6869** (Lower Mainland)
1-800-566-1170 (toll-free outside Lower Mainland)
Web: www.lgtbcentrevancouver.com
Provides information, referrals, and peer support for lesbian, gay, bisexual, and trans people, 7:00 p.m. to 10:00 p.m., seven days a week.

Police Victim Services of BC
Telephone:604-299-2502 Fax: 604-299-2503
E-mail: info@policevictimservices.bc.ca
Web: www.policevictimservices.bc.ca
Provides information, resources, and support to police-based victim services across the province.

Trans Alliance Society
Web: www.transalliancesociety.org
Serves primarily the trans community in BC.

Vancouver and Lower Mainland Multicultural Family Support Services Society
Telephone: 604-436-1025 Fax: 604-436-3267
E-mail: againstviolence@vlmfss.ca
Web: www.vlmfss.ca/main.html
Provides culturally sensitive services to immigrant, refugee, and visible minority women who are experiencing family violence.

Legal Services Society
Telephone: 604-601-6000 Fax: 604-682-7967
Web: www.lss.bc.ca

Legal Aid
Telephone: **604-408-2172** (Lower Mainland)
1-866-577-2525 (toll-free outside Lower Mainland)
Web: www.lss.bc.ca
This site has information about legal aid eligibility and coverage. Victims can apply for legal aid by phone by calling the Legal Services Society Call Centre above. To apply in person, victims can visit the LSS website or look in the white pages of the phone book under "Legal Aid – Legal Services Society" to find the office closest to them.

LawLINE
Telephone:**604-408-2172** (Lower Mainland)
1-866-577-2525 (toll-free outside Lower Mainland)
A free legal advice and legal information telephone service for anyone who is not eligible for legal aid and cannot afford a lawyer.

LawLINK
Web: www.lawlink.bc.ca
LawLINK is an extensive legal information service that consists of a website and public access computers. The site provides details of the computer locations.

Legal Services Society Family Law Website
www.familylaw.lss.bc.ca
Provides information about family law and self-help materials to help people resolve family law problems.

Lawyer Referral Service
Telephone: **604-687-3221** (Lower Mainland)
1-800-663-1919 (toll-free outside Lower Mainland)
Provides referrals to lawyers who will give an initial interview of up to 30 minutes for a fee of $10. The lawyer will provide basic legal advice and let the woman know whether or not she needs a lawyer.

Free Legal Clinics
There are legal clinics that provide some legal advice free of charge. Sometimes the legal clinic is called a "pro bono" (free) clinic. To find out if there is a free legal clinic in your area, ask the Law Line. You can look for a free legal clinic by going to www.probononet.bc.ca. Click "Directory" and look under "pro bono programs."

Dial-a-Law
Telephone: **604-687-4680** (Lower Mainland)
1-800-565-5297 (toll-free outside Lower Mainland)
Web: www.dialalaw.org
Plays pre-recorded tapes with information on over 130 law-related topics in BC.
To find text versions of some tapes go to: www.bccba.org

other useful organizations and websites

This is a selected listing of Canadian organizations that provide useful resources for those working with survivors of violence in relationships.

BC Human Rights Coalition
Web: www.bchrcoalition.org
Provides assistance and representation to those who need help with a provincial human rights complaint, as well as information and education on human rights.

Canadian Association of Elizabeth Fry Societies
Web: www.elizabethfry.ca
Works with and for women and girls in the justice system, particularly those who are or may be criminalized.

Canadian Women's Health Network
Web: www.cwhn.ca
Provides information, resources, and strategies to improve women's health.

DisAbled Women's Network Canada (DAWN Canada)
Web: www.dawncanada.net
Provides resources about violence in relationships against women with disabilities.

Education Wife Assault
Web: www.womanabuseprevention.com
Provides information and resources relevant across Canada.
Pacific Association of First Nations Women
Telephone: 604-873-1833
Assists Aboriginal women and their families with health, education, and social service issues.

Metropolitan Action Committee on Violence Against Women and Children (METRAC)
Web: www.metrac.org
Toronto-based organization providing resources on sexual assault.

Network Against Abuse in Same-Sex Relationships
Web: www.bcifv.org/resources/samesex.html
Provides resources on abuse in same-sex relationships.

Ontario Women's Justice Network
Web: www.owjn.org/issues/assault.htm
Includes resources on sexual assault and the law, including Supreme Court decisions.

Outlook
Web: www.auto-graphics.com/cgipac/mmx/bvaj/Access
Allows access to BC's public, college, and institute (including the Justice Institute of BC) libraries. "Sexual assault" yielded almost 400 references.

Pacific Association of First Nations Women
Telephone: 604-873-1833
Assists Aboriginal women and their families with health, education, and social service issues.

PovNet
Web: www.povnet.org
An Internet site for advocates, people on welfare, and community groups and individuals involved in anti-poverty work in BC. If you need an advocate to assist a victim, click "Find an advocate."

Shelter Net
Web: www.shelternet.ca
Helps a woman to find a shelter Canada-wide

print resources

books and journal articles

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manuals, reports, and discussion papers

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BC Association of Specialized Victim Assistance and Counselling Programs:

Barriers to Pro-Active System Involvement. Backgrounder, Community Coordination for Women's Safety Project. www.endingviolence.org/publications/135/BACKGROUNDERReluctance.pdf

Developing a Dialogue: *A Preliminary Discussion Paper on Child Protection Issues in Cases Involving Violence Against Women and Children*, by Gisela Ruebsaat (2000). www.endingviolence.org/publications

Effective Enforcement of Peace Bonds and Other Criminal Protection Orders. Backgrounder, Community Coordination for Women's Safety Project.

Family Law Resource Manual for Community-based Advocates Assisting Women Dealing with Violence Issues. Prepared in partnership with BC/Yukon Society of Transition Houses, with funding from the Ministry of Community, Aboriginal and Women's Services and the Legal Services Society of BC (2004).

Reluctant Witnesses in Violence Against Women in Relationships Cases – Addressing Barriers to Pro-Active System Involvement. Backgrounder, Community Coordination for Women's Safety Project.

Varying Bail "No-contact" Conditions to Allow Contact in Situations of Violence Against Women in Relationships. Backgrounder, Community Coordination for Women's Safety Project.

BC Institute Against Family Violence (draft). *Aid to Safety Assessment and Planning (ASAP): For Women Who Experience Violence in Their Relationships*, and companion document, *ASAP Protective Measures for Women's Safety: An Operational Framework for Interveners*, being developed/piloted in partnership with Victim Services and Crime Prevention Division of the Ministry of Public Safety and Solicitor General, with support from the Federal Crime Prevention Initiative.

BC/Yukon Society of Transition Houses:

Children Who Witness Abuse Counselling Source Book/Practice Guidelines

Children Who Witness Abuse Counsellor's Handbook

Children Who Witness Wife Abuse Booklet

Order online at:

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National Clearinghouse on Family Violence:

Abuse in Lesbian Relationships: Information and Resource
www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/html/femlesbi_e.html

Family Violence Against Women with Disabilities
www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/html/femdisab_e.html

Overview of Male Abuse, with a National Directory of Resources
www.hc-sc.gc.ca/hppb/familyviolence/maleabus_e.html

Wife Abuse: The Impact on Children
www.hc-sc.gc.ca/hppb/familyviolence/html/femviofnfnts_e.html

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pamphlets and booklets

Abuse: Any Woman, Any Age, Any Time. A pamphlet for service providers. Available from BC/Yukon Society of Transition Houses or online at: www.bcysth.ca

Abuse in Same-Sex Relationships. Pamphlet produced by the Network Against Abuse in Same-Sex Relationships. Available online at: www.bcdv.org/resources/samesex.shtml

Are You Afraid in Your Own Home? An Information Booklet for Older Women. Available from BC/Yukon Society of Transition Houses or online at: www.bcysth.ca

Courtwatcher's Manual. A general introduction to the operation and structure of the courts. Available from the Law Courts Education Society, 604-660-9870.

Family Violence & Animal Abuse: Linking the Circles of Compassion and Prevention. A series of three pamphlets for the public, animal care professionals, and victim service workers and justice system personnel. Available from the BC Institute Against Family Violence, 604-669-7055 or toll-free at 1-877-755-7055; fax: 604-669-7054; or online at: www.bcifv.org

For Your Protection: Peace Bonds and Restraining Orders. A booklet providing information for women in relationships who need protection from violence or the threat of violence. Available in English, Chinese, and Punjabi from Victim Services and Crime Prevention Division by fax or online at: www.pssg.gov.bc.ca/victim_services/publications/guides/PeaceBondsRestOrdersWEB.pdf

If You Are Being Stalked. A pamphlet providing a number of suggestions for increasing women's safety. Available from Victim Services and Crime Prevention Division or online at: www.mcaws.gov.bc.ca/womens_services/stalking/toc.htm

Overview of the Crime Victim Assistance Act. Available from Victim Services and Crime Prevention Division by fax or online at: www.pssg.gov.bc.ca/victim_services/cva/overview/index.htm

Speaking of Abuse: Violence Against Women in Relationships. Information about a Woman's Rights. A pamphlet in English, Chinese, Farsi, French, Punjabi, Russian, Spanish, and Vietnamese, and in English on audio-tape and disk, last updated in 1998. Available from Victim Services and Crime Prevention Division by fax at 603-660-5340 or online at: www.pssg.gov.bc.ca/victim_services

Stalking Is a Crime Called Criminal Harassment. A pamphlet for victims. Available from the Department of Justice Canada.

Victims and Parole Board Hearings. A pamphlet explaining how to receive information and participate in BC Parole Board hearings. Available from BC Board of Parole by fax or online at: www.gov.bc.ca/bcparole

Victim's Information Exchange with the Correctional Service of Canada and the National Parole Board. A pamphlet giving information about victims' rights and parole board hearings. Available from the Solicitor General of Canada.

Violence Against Women in Relationships: A Guide for Medical Personnel. A booklet designed for primary care physicians and emergency department personnel, to raise awareness and assist them when treating abused women. Available from Victim Services and Crime Prevention Division by fax at 604-660-5340.

Your Rights if You Are a Victim of Crime. A pamphlet in English, Chinese, Farsi, French, Punjabi, Russian, Spanish, and Vietnamese. Available from Victim Services and Crime Prevention Division by fax at 604-660-5340 or online at: www.pssg.gov.bc.ca/victim_services/publications/guides/YourRights.pdf

policies and guidelines

BC Association of Specialized Victim Assistance and Counselling Programs. (2004). *Personal Information Protection Act: An Overview for BC Association Member Programs (PIPA Overview)*. Available online at: www.endingviolence.org/publications

BC Corrections Branch:

(2004). *Community Corrections Policy. Chapter 4, Alternative Measures*. Available from Corrections Branch, Ministry of Public Safety and Solicitor General.

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BC Crown counsel:

(1999). *Criminal Harassment Policy*. Available from Criminal Justice Branch, Ministry of Attorney General.

(2003). *Crown Counsel Policy Manual: Alternative Measures for Adult Offenders*. Available from Criminal Justice Branch, Ministry of Attorney General.

(2003). *Crown Counsel Policy Manual: Spouse Assault*. Available from Criminal Justice Branch, Ministry of Attorney General.

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BC Victim Services and Crime Prevention Division. (2004). *Guidelines on Priority Response Partnerships for Women at High Risk of Violence in Relationships, Cellular Phone Initiative*. Available from Victim Safety Unit, Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General.

Crime Victim Assistance Act (General) Regulation, Protective Measures (Section 12), and Counselling Benefits (Section 11). (2002). Available from Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General or online at:

Ministry of Children and Family Development. (2004). *Best Practices Approaches. Child Protection and Violence Against Women*. Available online at:

Ministry of Attorney General. (2004). *Policy on the Criminal Justice System Response to Violence Against Women and Children. Part 1: Violence Against Women in Relationships Policy*. Available from Victim Services and Crime Prevention Division, Ministry of Public Safety and Solicitor General, by fax at 604-660-5340 or online at:

Police Services Division. (2005). *Police Release on a Promise to Appear with an Undertaking in Violence Against Women in Relationships Cases*. Available from Police Services Division, Ministry of Public Safety and Solicitor General.

RCMP "E" Division. (2000). *Violence in Relationships/Violence Against Women in Relationships (VIR) RCMP "E" Division Policy*. Available from your local RCMP detachment or from the library of the BC Institute Against Family Violence.

Ruebsaat, G., & Porteous, T. (1998). *Records Management Guidelines*. Vancouver: BC Association of Specialized Victim Assistance and Counselling Programs and the BC/Yukon Society of Transition Houses. Available online at:

training curricula

Victim Services and Crime Prevention Division funds and supports the participation of victim service workers in the following training programs:

Charting New Waters: Violence Against Women with Disabilities. Curriculum developed by the Justice Institute of BC in 1996.

Having Our Voices Heard: Implementing Measures of Empowerment for Women Who Are Victims of Violence. Curriculum developed by the Justice Institute of BC in 2004.

Integrating Difference in Transition House Work. Curriculum developed by the Justice Institute of BC in 2003.

Violence Against Women from Diverse Cultures. Curriculum developed by the Justice Institute of BC in 2002.

To find out more about training offered through the Justice Institute of BC, telephone 604-528-5604 or go to: www.jibc.bc.ca/cbt

videos

Charting New Waters (35 minutes)
Explores the obstacles and barriers faced by women with disabilities when they seek assistance from the criminal justice system to end the violence in their lives. The video combines interviews with criminal justice personnel and disability activists with three dramatic scenarios portraying women with disabilities. Available from the Justice Institute of BC by phone at 604-525-5422.

Facing Diversity: Responding to Violence Against Women from Diverse Cultures (42 minutes)
This video and instructor's guide is designed to raise awareness of the issues and barriers faced by women from diverse cultures who are experiencing or have experienced violence in their intimate relationships. It illustrates some specific culturally sensitive practices that can be undertaken to support and assist women from diverse cultures to overcome their fears and mistrust of the criminal justice system. Available from the Justice Institute of BC by phone at 604-525-5422.

In Her Own Time: Empowering Women Who Have Experienced Violence (19 minutes)
This video is based on the findings of the 2001 measures of empowerment research study (Russell, 2002) and illustrates the factors that empower and disempower women who seek help from the justice system to end the violence in their lives. The video can be used by victim service workers, transition house

workers, police, Crown counsel, and other community-based workers. Available from the Justice Institute of BC by phone at 604-525-5422.

section

A Love that Kills (20 minutes)
This documentary tells the story of Monica, a 19-year-old woman who was murdered by her former boyfriend. The video informs viewers of the warning signs of abuse and steps that can be taken to help the victim before it is too late. Available from the National Film Board of Canada by phone at 1-800-267-7710.

The Mountain and Beyond (20 minutes)
This is a multimedia package that contains a video presentation of the ideas and experiences of a range of professionals and community activists who are committed to coordinating a response to violence against women in relationships. Available from the National Clearinghouse on Family Violence by phone at 1-800-267-1291.

The Person Within (28 minutes)
This is a video and handbook for those who work with children with disabilities. It highlights the dangers of physical and/or emotional abuse of children with disabilities and focuses on the need for prevention and empowerment through building of self-esteem, focusing on the person within rather than on the disability. Available from the BC Institute Against Family Violence by phone at 604-669-7055 or 1-877-755-7055.

Pump Up the Volume (37 minutes)
This video features 11 women sharing their wisdom about their struggles to end intimate partner violence in their lives. It was produced in 2002 by Project Violence Free, BC Women in Action Association. Available from the BC Institute Against Family Violence by phone at 604-669-7055 or 1-877-755-7055.

Preventing Family Violence is an online video catalogue of Canadian videos on family violence for the general public and for professionals working in the field. It is available at: www.phac-aspc.gc.ca/ncfv-cnivf/familyviolence/video_e.html
The National Clearinghouse on Family Violence and the National Film Board of Canada jointly distribute the collection. The link provides a list of public libraries in BC where you can borrow the videos.

For court videos, please contact Nora Gamboli at info@lawcourtsed.ca.

Other Criminal Code provisions relevant to violence against women in relationships.

appendix other *Criminal Code* provisions relevant to violence against women in relationships

OFFENCES	SECTIONS
Rights of Property, Fraudulent Transactions, and Wilful and Forbidden Acts	
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Theft	322
Robbery	343
Offences Against the Person (Harassment, Threatening)	
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Offences Against the Person (Assaults)	
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Offences Against the Person (Sexual Assaults)	
Sexual Assault	271
Sexual Assault with a Weapon, Threats to a Third Party, or Causing Bodily Harm	272
Aggravated Sexual Assault	273
Offences Against the Person (Kidnapping and Abduction)	
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